

THE NATIONAL ARCHIVES
 LITTERA
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 MANET
FEDERAL REGISTER
 OF THE UNITED STATES
 1934
 VOLUME 14 NUMBER 88

Washington, Saturday, May 7, 1949

TITLE 3—THE PRESIDENT
EXECUTIVE ORDER 10055

AMENDMENT OF EXECUTIVE ORDER NO. 9 OF JANUARY 17, 1873, RELATING TO THE HOLDING OF LOCAL OFFICES BY FEDERAL OFFICERS AND EMPLOYEES

WHEREAS the unincorporated community of Norris, in Anderson County, Tennessee, was transferred to private ownership by the United States, acting by and through the Tennessee Valley Authority, on August 31, 1948; and

WHEREAS it has been deemed necessary by the local residents to organize the Norris community into an incorporated municipality in order to provide essential services and functions, some of which were provided formerly by the Tennessee Valley Authority, and for which no permanent arrangements have been established; and

WHEREAS on April 8, 1949, a Private Act of the legislature of the State of Tennessee was approved, under which a charter of incorporation has been granted creating the municipality styled City of Norris, Tennessee; and

WHEREAS a substantial number of the residents of the said City of Norris, Tennessee, are officers or employees of agencies of the Federal Government, so that the establishment and successful administration of local self-government in the new City of Norris would be seriously jeopardized if such residents were to remain ineligible to become candidates for, and to hold, local municipal offices:

NOW, THEREFORE, by virtue of the authority vested in me by section 1753 of the Revised Statutes of the United States (5 U. S. C. 631), and as President of the United States, Executive Order No. 9 of January 17, 1873, as amended, prohibiting with certain exceptions Federal officers and employees from holding state, territorial, county, municipal, or other local offices, is hereby further amended so as to permit officers and employees of departments, offices, and agencies, including corporations, in or under the executive branch of the Government of the United States who are residents of the City of Norris, Tennessee, to hold municipal office under the laws of the State of Tennessee and the ap-

plicable laws and ordinances of the City of Norris, Tennessee: *Provided*, that in each instance the Federal agency concerned shall approve the holding of such office by the Federal officer or employee involved and shall determine that the holding of such office will not in any manner interfere or conflict with the performance of the duties of such person as an officer or employee of the Federal Government.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 6, 1949.

[F. R. Doc. 49-3729; Filed, May 6, 1949;
11:55 a. m.]

TITLE 5—ADMINISTRATIVE
PERSONNEL

Chapter II—The Loyalty Review Board

PART 200—STATEMENT OF THE LOYALTY REVIEW BOARD

PART 210—THE OPERATIONS OF THE LOYALTY REVIEW BOARD

PART 220—DIRECTIVES TO DEPARTMENTS AND AGENCIES; CASES OF INCUMBENT AND EXCEPTED EMPLOYEES AND EXCEPTED APPLICANTS

PART 230—DIRECTIVES TO REGIONAL LOYALTY BOARDS; CASES OF APPLICANTS AND APPOINTEES IN THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

1. The fourth unnumbered paragraph in § 200.1 is amended by the addition of the following at the end of the paragraph after the words "certain organizations": "In view of subsequent opinions and designations by the Attorney General, the Loyalty Review Board applies the foregoing policy to all organizations other than those within the purview of section 9A of the Hatch Act or those which seek to alter the form of government of the United States by unconstitutional means."

2. Section 210.11 (a) is amended to read as follows:

§ 210.11 *Grounds for determination of disloyalty*—(a) *Standard*. The

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Commodity Credit Corporation

See Agriculture Department.



Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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standard for the refusal of employment or the removal from employment in an Executive department or agency on grounds relating to loyalty shall be that, on all the evidence, reasonable grounds exist for belief that the person involved is disloyal to the Government of the United States. The panel shall reach its decision on consideration of the complete file, arguments, brief and testimony presented to it. In making its decision in every unfavorable case, the panel shall state in writing whether or not the case falls within the purview of section 9A of the Hatch Act and the applicable appropriation act.

3. Section 210.14 (b) is amended to read as follows:

§210.14 Post-audit and review of files.

(b) The Board, or an executive committee of the Board, shall have the right, in its discretion, to call up for review any determination or decision made by any department or agency loyalty board or regional loyalty board, or by any head of an employing department or agency, even though no appeal has been taken. Any such review shall be made by a panel of the Board, and the panel, whether or not a hearing has been held in the case, may affirm the determination or decision, or remand the case with appropriate instructions to the agency or the regional loyalty board concerned for hearing or for such further action or procedure as the panel may determine. In exceptional cases, particularly upon the recommendation of the panel, if in the judgment of the Board or an executive committee of the Board public interest requires it, a panel may be named to hold a new hearing in the case and after such hearing, affirm or reverse the determination or decision.

4. Appendix A is amended by the addition of the following:

APPENDIX A—LIST OF ORGANIZATIONS DESIGNATED BY THE ATTORNEY GENERAL PURSUANT TO EXECUTIVE ORDER NO. 9835

By letter of April 21, 1949, which was disseminated to all departments and agencies on April 25, 1949, the Attorney General furnished the Loyalty Review Board with a list of additional organizations designated under Part III, section 3, of Executive Order No. 9835. The Attorney General stated that as had been stated in his letter of November 24, 1947, the organizations heretofore named do not represent a complete or final tabulation. The study of investigative reports of the Federal Bureau of Investigation is a continuing one. The organizations named herein as coming within the scope of Executive Order No. 9835 are designated as a result of the same careful review of recommendations made by officials of the Department of Justice which has been outlined to the Loyalty Review Board previously.

The organizations designated below are classified in accordance with the categories set forth in section 3, Part III, of Executive Order No. 9835. As in the case of organizations previously submitted, the designation is predicated upon the dominant characteristics of each. It must be borne in mind, of course, that while an organization may fall within more than one of the specified categories, it is necessary for the purposes of the Executive order to segregate them on the basis of dominant characteristics.

The organizations designated are:

Fascist:

American Nationalist Party.
American National Labor Party.
American National Socialist League.
American National Socialist Party.
Committee for Nationalist Action.
National Blue Star Mothers of America.
Nationalist Action League.

Communist:

Abraham Lincoln Brigade.
Action Committee to Free Spain Now.
American Committee for Spanish Freedom.
American Jewish Labor Council.
American Russian Institute, New York.
American Russian Institute, Philadelphia.
American Russian Institute of Southern California, Los Angeles.
Citizens Committee to Free Earl Browder.
Citizens Committee for Harry Bridges.
Comite Coordinador Pro Republica Espanola.
Committee for A Democratic Far Eastern Policy.
Commonwealth College, Mena, Arkansas.
Detroit Youth Assembly.
Hawaii Civil Liberties Committee.
Michigan School of Social Science.
North American Committee to Aid Spanish Democracy.
North American Spanish Aid Committee.
Oklahoma Committee to Defend Political Prisoners.
Progressive German-Americans, also known as Progressive German-Americans of Chicago.
Schappes Defense Committee.
Schneiderman-Darey Defense Committee.
United Spanish Aid Committee.
Washington Commonwealth Federation.

Organizations which have "adopted a policy of advocating or approving the commission of acts of force and violence to deny others their rights under the Constitution of the United States:"

American Christian Nationalist Party.
Association of Georgia Klans.
Knights of the White Camellia.
Original Southern Klans, Incorporated.

Organizations which "seek to alter the form of government of the United States by unconstitutional means:"

Industrial Workers of the World.
Nationalist Party of Puerto Rico.

5. Section 220.2 (h) (3) is amended to read as follows:

§ 220.2 Directive II; initial consideration of loyalty cases.

(h) Determination of case after notice.

(3) If the individual answers in writing but does not request a hearing, the board shall then consider the case on the complete file (including such answer), make its determination and notify the appropriate authority so that proper action may be taken. Before making the determination, however, a board in its discretion may, if a hearing is deemed necessary, request the individual to appear for a hearing, but the board cannot require him to appear, and no inference or presumption should be assumed by the board because of the failure or refusal of an individual to appear for a hearing.

6. The first unnumbered paragraph in § 220.3 (a) is amended to read as follows:

§ 220.3 Directive III; manner of conducting hearings before agency loyalty boards—(a) In general. Hearings before the boards shall be conducted in an orderly manner and in a serious, businesslike atmosphere of dignity and decorum. Not less than three members of the board shall be present at all hearings. The

conduct of the board members shall be characterized by fairness, impartiality and cooperativeness.

7. Section 230.2 (g) (3) is amended to read as follows:

§ 230.2 Directive II; initial consideration of loyalty cases.

(g) Determination of case after interrogatory.

(3) If the applicant or appointee answers the interrogatory in writing but does not request a hearing, the board shall then consider the case on the complete file (including such answer) and make a determination of eligibility or ineligibility. Before making the decision, however, a board in its discretion may, if a hearing is deemed necessary, request the individual to appear for a hearing, but the board cannot require him to appear, and no inference or presumption should be assumed by the board because of the failure or refusal of an individual to appear for a hearing.

8. The first unnumbered paragraph in § 230.3 (a) is amended to read as follows:

§ 230.3 Directive III; manner of conducting hearings before regional loyalty boards—(a) In general. Hearings before the board and panels shall be conducted in an orderly manner and in a serious, businesslike atmosphere of dignity and decorum. Not less than three members of the board shall be present at all hearings. The conduct of the members shall be characterized by fairness, impartiality and cooperativeness.

9. The second unnumbered paragraph in § 230.4 (b) is amended to read as follows:

§ 230.4 Directive IV; records of decisions and appeals.

(b) Notification.

If the board rates an appointee ineligible, the employing department or agency will be informed by letter of the rating action, including debarment, if any, and including a statement as to whether or not the case falls within the purview of section 9A of the Hatch Act and the applicable appropriation act, and the department or agency will be instructed to suspend the appointee immediately pending appeal to the Loyalty Review Board and to separate him if he does not appeal. The appointee will be furnished a copy of the letter to the department or agency.

10. The second unnumbered paragraph in § 230.6 (b) is amended to read as follows:

§ 230.6 Directive VI; records, files and reports.

(b) Procedure in cases of separation, withdrawal and furlough.

The regional loyalty boards shall close such incompletely adjudicated cases of persons who voluntarily separate themselves or who withdraw by "flagging" (noting unresolved question of loyalty) their names, except that if the person has a known eligibility, the eligibility will be suspended and the eligible notified of the action taken, and the eligible will be informed that if he is interested in further employment with the Federal Government, the board should be notified so that the loyalty adjudication may be

completed, and that the suspension of eligibility will continue until the adjudication has been completed and a decision reached as to eligibility or ineligibility. If the person is not interested in further employment, any known applications or eligibilities will be canceled and the person's name will be flagged.

(Part III, E. O. 9835, Mar. 21, 1947, 12 F. R. 1935; 3 CFR 1947 Supp.)

LOYALTY REVIEW BOARD,
U. S. CIVIL SERVICE
COMMISSION,
SETH W. RICHARDSON,
Chairman.

[F. R. Doc. 49-3645; Filed, May 6, 1949;
8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter A—General Regulations and Policies

PART 405—LOANS, PURCHASES AND OTHER OPERATIONS

LOANS TO AND PURCHASES BY TRUSTEES

§ 405.1 *Loans to and Purchases by Trustees.* Language in Commodity Credit Corporation price support bulletins or other price support announcements to the effect that the beneficial interest in the commodity must be in the producer tendering the commodity for loan or purchase shall not be interpreted as excluding from any price support program a trustee who is otherwise eligible to participate. (Sec. 4 (d), 62 Stat. 1070)

Issued this 4th day of May 1949.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President, Commodity
Credit Corporation.

[F. R. Doc. 49-3657; Filed, May 6, 1949;
8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 112]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.437 *Grapefruit Regulation 112—*
(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the

committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 9, 1949, and ending at 12:01 a. m., e. s. t., May 23, 1949, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, unless such grapefruit grade at least U. S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box, unless such grapefruit grade U. S. Fancy, U. S. No. 1 Bright, U. S. No. 1, U. S. No. 1 Golden, U. S. No. 1 Bronze, or U. S. No. 1 Russet.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and the terms "U. S. Fancy," "U. S. No. 1 Bright," "U. S. No. 1," "U. S. No. 1 Golden," "U. S. No. 1 Bronze," "U. S. No. 1 Russet," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Grapefruit (13 F. R. 4787). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 5th day of May 1949.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 49-3672; Filed, May 6, 1949;
9:01 a. m.]

[Orange Reg. 165]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.436 *Orange Regulation 165—*(a) *Findings.* (1) Pursuant to the market-

ing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 9, 1949, and ending at 12:01 a. m., e. s. t., May 23, 1949, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (a) are in the same container with oranges which grade at least U. S. No. 1 Russet and (b) are not in excess of 50 percent, by count, of the number of all oranges in such container; or

(iv) Any oranges, except Temple oranges, grown in Regulation Area I or Regulation Area II which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," "Regulation Area I" and "Regulation Area II" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," "container," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Oranges (13 F. R. 5174, 5306). Shipments of Temple oranges grown in the State of Florida are subject to the provisions of Orange Regulation 159 (14 F. R. 501, 637). (48 Stat. 31, as amended;

7 U. S. C. 601 et seq.; 7 CFR and Supps. Part 933)

Done at Washington, D. C., this 5th day of May 1949.

S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 49-3673; Filed, May 6, 1949;
9:01 a. m.]

[Lemon Reg. 317, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA
AND ARIZONA

LIMITATION OF SHIPMENT

a. Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restrictions on the handling of lemons grown in the State of California or in the State of Arizona.

(b) Order, as amended. The provisions in paragraph (b) (1) of § 953.424 (Lemon Regulation 317, 14 F. R. 2133), are hereby amended to read as follows:

(1) The quantity of lemons grown in the State of California or in the State the period beginning at 12:01 a. m., P. s. t., May 1, 1949, and ending at 12:01 a. m., P. s. t., May 8, 1949, is hereby fixed as follows:

(i) District 1: 425 carloads;

(ii) District 2: Unlimited movement.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 5th day of May 1949.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 49-3691; Filed, May 6, 1949;
9:53 a. m.]

[Lemon Reg. 318]

PART 953—LEMONS GROWN IN CALIFORNIA
AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.425 Lemon Regulation 318—(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) Order. (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 8, 1949, and ending at 12:01 a. m., P. s. t., May 15, 1949, is hereby fixed as follows:

(i) District 1: 450 carloads;

(ii) District 2: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handler," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 5th day of May 1949.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 1

Storage Date: May 1, 1949.

[12:01 a. m. May 8, 1949, to 12:01 a. m.
May 22, 1949]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.513
American Fruit Growers, Inc., Ful- lerton	2.028
Hazeltine Packing Co.	.944
Ventura Coastal Lemon Co.	1.696
Ventura Pacific Co.	2.100
Total A. F. G.	7.281
Klink Citrus Association	.600
Lemon Cove Association	.024
Glendora Lemon Growers Associa- tion	1.007
La Verne Lemon Association	.673
La Habra Citrus Association, The	1.413
Yorba Linda, Citrus Association, The	1.724
Escondido Lemon Association	4.416
Alta Loma Heights Citrus Associa- tion	.462
Etiwanda Citrus Fruit Association	.487
Upland Lemon Growers Association	2.319
Central Lemon Association	1.860
Irvine Citrus Association, The	.857
Placentia Mutual Orange Associa- tion	1.187
Corona Citrus Association	1.009
Corona Foothill Lemon Co.	2.814
Jameson Co.	1.144
Arlington Heights Citrus	1.640
College Heights Orange & Lemon As- sociation	1.406
Chula Vista Citrus Association, The	.998
El Cajon Valley Citrus Association	.140
Fallbrook Citrus Association	1.846
Lemon Grove Citrus Association	.379
San Dimas Lemon Association	1.498
Carpinteria Lemon Association	2.721
Carpinteria Mutual Citrus Associa- tion	2.533
Goleta Lemon Association	2.585
Johnston Fruit Co.	4.090
North Whittier Heights Citrus Asso- ciation	.770
San Fernando Heights Lemon Asso- ciation	1.816
Sierra Madre-Lamanda Citrus Asso- ciation	1.749
Tulare County Lemon & Grapefruit Association	.407
Briggs Lemon Association	1.861
Culbertson Lemon Association	1.417
Fillmore Lemon Association	1.988
Oxnard Citrus Association	6.717
Rancho Sespe	1.641
Santa Clara Lemon Association	3.401
Santa Paula Citrus Fruit Associa- tion	4.647
Saticoy Lemon Association	2.759
Seaboard Lemon Association	3.305
Somis Lemon Association	3.183
Ventura Citrus Association	.987
Limoneira Company	2.807
Teague-McKevett Association	1.399
East Whittier Citrus Association	1.018
Leffingwell Rancho Lemon Associa- tion	.763
Murphy Ranch Co.	1.300
Whittier Citrus Association	.840
Whittier Select Citrus Association	.142
Total C. F. G. E.	86.143
Chula Vista Mutual Lemon Associa- tion	.514
Escondido Cooperative Citrus Asso- ciation	.272

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 1—continued

Handler	Prorate base (percent)
Index Mutual Association	0.225
La Verne Cooperative Citrus Association	1.464
Orange Belt Fruit Distributors	.994
Orange Cooperative Citrus Association	.106
Ventura County Orange & Lemon Association	2.275
Whittier Mutual Orange & Lemon Association	.244
Total M. O. D.	6.094
Banks, L. M.	.000
Chess, Meyer W., Co.	.182
Evans Brothers Packing Co.	.017
Hill, Emma H.	.000
Johnson, Fred	.061
Lorbeer, Carroll W. C.	.006
MacDonald, Hugh J.	.000
Manos, Gus & William	.000
Morris Bros.	.014
Paramount Citrus Association	.000
Robb, Homer F.	.000
Robinson, A. A.	.042
Sachs, Maurice A.	.015
San Antonio Orchard Co.	.051
Schaefer, Charles A.	.001
Table Praise Avocado Co., Inc.	.061
Tetley, F. A., Jr.	.012
Winkler, William	.020
Total Independents	.482

[F. R. Doc. 49-3692; Filed, May 6, 1949;
9:53 a. m.]

[Orange Reg. 277]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.423 *Orange Regulation 277*—
(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted; under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 8, 1949, and ending at 12:01 a. m., P. s. t., May 15, 1949, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1: Unlimited movement;

(b) Prorate District No. 2: 250 carloads;

(c) Prorate District No. 3: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1: No movement;

(b) Prorate District No. 2: Unlimited movement;

(c) Prorate District No. 3: No movement.

(2) The prorated base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorated base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handler," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 6th day of May 1949.

[SEAL]

S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. May 8, 1949, to 12:01 a. m.
May 15, 1949]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0898
A. F. G. Corona	.0941
A. F. G. Fullerton	.7822
A. F. G. Orange	.4637
A. F. G. Riverside	.1108
A. F. G. San Juan Capistrano	.7477
A. F. G. Santa Paula	.5156
Hazeltine Packing Co.	.4079
Placentia Pioneer Valencia Growers Association	.6380
Signal Fruit Association	.1148
Azusa Citrus Association	.4262
Damerel-Allison Co.	.8010
Glendora Mutual Orange Association	.3847
Irwindale Citrus Association	.2014
Puente Mutual Citrus Association	.1648
Valencia Heights Orchard Association	.4605
Covina Citrus Association	1.1432
Covina Orange Growers Association	.6119
Glendora Citrus Association	.3836
Glendora Heights Orange & Lemon Growers Association	.0621
Gold Buckle Association	.5412
La Verne Orange Association	.6494
Anaheim Citrus Fruit Association	1.3403

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Anaheim Valencia Orange Association	1.2231
Eadington Fruit Co., Inc.	2.9932
Fullerton Mutual Orange Association	1.7075
La Habra Citrus Association	1.0494
Orange County Valencia Association	.4399
Orangethorpe Citrus Association	1.0242
Placentia Cooperative Orange Association	.6194
Yorba Linda Citrus Association, The	.6323
Escondido Orange Association	2.3314
Alta Loma Heights Citrus Association	.0964
Citrus Fruit Growers	.1710
Cucamonga Citrus Association	.1128
Rialto Heights Orange Association	.0481
Upland Citrus Association	.4784
Upland Heights Orange Association	.1359
Consolidated Orange Growers	2.1065
Frances Citrus Association	1.0788
Garden Grove Citrus Association	1.4436
Goldenwest Citrus Association, The	1.3215
Irvine Valencia Growers	2.5551
Olive Heights Citrus Association	1.8997
Santa Ana-Tustin Mutual Citrus Association	.9222
Santiago Orange Growers Association	4.1182
Tustin Hills Citrus Association	1.9911
Villa Park Orchards Association, The	2.1107
Bradford Brothers, Inc.	.6837
Placentia Mutual Orange Association	1.9327
Placentia Orange Growers Association	2.6046
Yorba Orange Growers Association	.6039
Call Ranch	.0900
Corona Citrus Association	.5620
Jameson Co.	.0546
Orange Heights Orange Association	.5648
Crafton Orange Growers Association	.4380
East Highlands Citrus Association	.0903
Fontana Citrus Association	.1025
Highland Fruit Growers Association	.0342
Redlands Heights Groves	.2799
Redlands Orangedale Association	.2642
Break & Sons, Allen	.0220
Bryn Mawr Fruit Growers Association	.1723
Mission Citrus Association	.1558
Redlands Cooperative Fruit Association	.3699
Redlands Orange Growers Association	.2351
Redlands Select Groves	.2403
Rialto Citrus Association	.2029
Rialto Orange Co.	.1711
Southern Citrus Association	.2164
United Citrus Growers	.1678
Zilen Citrus Co.	.0983
Arlington Heights Citrus Co.	.1183
Brown Estate, L. V. W.	.1330
Gavilan Citrus Association	.1591
Highgrove Fruit Association	.0931
Krind Packing Co.	.2798
McDermont Fruit Co.	.1948
Monte Vista Citrus Association	.2215
National Orange Co.	.0347
Riverside Heights Orange Growers Association	.0625
Sierra Vista Packing Association	.0587
Victoria Avenue Citrus Association	.1801
Claremont Citrus Association	.1327
College Heights Orange & Lemon Association	.2592

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
El Camino Citrus Association.....	0.0693
Indian Hill Citrus Association.....	.2123
Pomona Fruit Growers Exchange.....	.3990
Walnut Fruit Growers Association.....	.4571
West Ontario Citrus Association.....	.3569
El Cajon Valley Citrus Association.....	.2636
San Dimas Orange Growers Association.....	.5044
Ball & Tweedy Association.....	.4787
Canoga Citrus Association.....	.8429
Covina Valley Orange Co.....	.0985
North Whittier Heights Citrus Association.....	.9318
San Fernando Fruit Growers Association.....	.6192
San Fernando Heights Orange Association.....	.9116
Sierra Madre-Lamanda Citrus Association.....	.3947
Camarillo Citrus Association.....	1.6437
Fillmore Citrus Association.....	3.5301
Mupu Citrus Association.....	2.1593
Ojai Orange Association.....	.9488
Piru Citrus Association.....	2.1899
Rancho Sespe.....	.7424
Santa Paula Orange Association.....	1.0900
Tapo Citrus Association.....	1.0396
Ventura County Citrus Association.....	.1384
Limoneira Company.....	.5488
East Whittier Citrus Association.....	.3540
El Ranchito Citrus Association.....	1.6788
Whittier Citrus Association.....	.6687
Whittier Select Citrus Association.....	.3516
Anaheim Cooperative Orange Association.....	1.3638
Bryn Mawr Mutual Orange Association.....	.0897
Chula Vista Mutual Lemon Association.....	.0833
Escondido Avenue Orange Association.....	.3488
Euclid Avenue Orange Association.....	.5713
Fullerton Cooperative Orange Association.....	.3308
Garden Grove Orange Cooperative, Inc.....	.7030
Golden Orange Groves, Inc.....	.2301
Index Mutual Association.....	.2887
La Verne Cooperative Citrus Association.....	1.7964
Mentone Heights Association.....	.0366
Olive Hills Grove, Inc.....	.3676
Orange Cooperative Citrus Association.....	1.1053
Redlands Foothill Groves.....	.5007
Redlands Mutual Orange Association.....	.1970
Riverside Citrus Association.....	.0462
Ventura County Orange & Lemon Association.....	.9763
Whittier Mutual Orange & Lemon Association.....	.1473
Babijuce Corp. of Calif.....	.6954
Banks, L. M.....	.6674
Borden Fruit Co.....	.8613
California Associated Growers.....	.2696
Cherokee Citrus Co., Inc.....	.1975
Chess Co., Meyer W.....	.2499
Evans Bros. Packing Co.....	.3878
Gold Banner Association.....	.2487
Granada Hills Packing Co.....	.0396
Granada Packing House.....	2.8032
Hill Packing House, Fred A.....	.0835
Orange Belt Fruit Distributors.....	2.0393
Panno Fruit Co., Carlo.....	.0135
Paramount Citrus Association.....	.4990
Placencia Orchard Co.....	.4910
Snyder & Sons Co., W. A.....	.6945
Stephens, T. F.....	.1987
Wall, E. T.....	.1077
Western Fruit Growers, Inc.....	.6453

[F. R. Doc. 49-3731; Filed, May 6, 1949; 12:10 p. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 7]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

PROJECTS FOR REHABILITATION OR REPAIR FOR WHICH SPONSORS HAVE REQUESTED REIMBURSEMENT

Acting pursuant to the authority vested in me by the Federal Airport Act (60 Stat. 170; 49 U. S. C. 1101), as amended, I hereby amend the revision of Part 550 of the regulations of the Administrator of Civil Aeronautics, effective May 1, 1948, by adding a new paragraph (i) to § 550.5, reading as follows:

(i) *Projects for rehabilitation or repair for which the sponsors have requested reimbursement under section 17 of the act.* Section 17 of the act and Part 560 of the regulations of the Administrator provide for reimbursement to public agencies for the necessary rehabilitation or repair of public airports substantially damaged by Federal agencies. The rehabilitation or repair of a damaged area (as defined in § 560.1 (f) of this chapter) or damaged facility (as defined in § 560.1 (g)) may be accomplished by restoration (as defined in § 560.1 (o)) of the area or facility or by betterment (as defined in § 560.1 (d)) of such area or facility. In either case, the amount of reimbursement payable under section 17 is limited to and may not exceed the cost of restoration. Ordinarily, in cases involving betterment, the cost of the rehabilitation or repair to be accomplished will exceed the amount of reimbursement payable therefor. If the estimated cost of such an item or items of rehabilitation or repair (item of betterment) does exceed the amount of reimbursement payable therefor, the public agency may submit, subject to the applicable requirements of the act and the regulations of this part, a Project Application on Form ACA 1624 requesting approval of a project under this part for the accomplishment of such item or items of betterment. Such a Project Application should describe the item or items of betterment as the airport development to be accomplished and should be limited to such development, should identify the request for reimbursement which has been made by the sponsor, state the current status of such request as known to the sponsor, and set out in the summary of estimated project costs all costs involved. Such a Project Application should be submitted prior to certification to the Congress (pursuant to section 17) of the cost of the rehabilitation or repair which would result from accomplishment of the item or items of betterment contemplated, if a project under the Federal-aid Airport Program is planned at that time, or as soon thereafter as possible. If such a certification is made and the project is approved by the Administrator, the grant offer tendered to the sponsor will provide for payment of the United States' share, not to exceed a stated maximum amount, of

the allowable project costs of the items of betterment included in the project, in excess of the amount of reimbursement for such items included in said certification. If such an offer is accepted by the sponsor, partial grant payments of the United States' share of allowable project costs will be made as the project work progresses and costs are incurred therefor, in accordance with the provisions of the grant agreement and the principles stated in § 550.9 (c), and if funds for the items of betterment included in the project have been appropriated pursuant to the certification, progress reimbursement payments may be made simultaneously in accordance with Part 560 of the regulations.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 1-15, 60 Stat. 170-178, as amended by Pub. Law 486, 80th Cong.; 49 U. S. C. 1101-1114)

[SEAL]

D. W. RENTZEL,

Administrator of Civil Aeronautics.

[F. R. Doc. 49-3640; Filed, May 6, 1949; 8:50 a. m.]

PART 560—REIMBURSEMENT FOR DAMAGE TO PUBLIC AIRPORTS BY FEDERAL AGENCIES

Acting pursuant to the authority vested in me by section 17 of the Federal Airport Act (60 Stat. 170, Pub. Law No. 377, 79th Cong.; as amended by 62 Stat. 1111, Pub. Law No. 840, 80th Cong.), I hereby amend Part 560 of the regulations of the Administrator of Civil Aeronautics, to read as follows:

Sec.	
560.1	Definitions.
560.2	Purpose of regulations.
560.3	Eligible requests for reimbursement.
560.4	Eligible petitioners.
560.5	Eligible airports.
560.6	Time limitations.
560.7	Eligible rehabilitation or repair.
560.8	Amount of reimbursement.
560.9	Claims filed with other Federal agencies.
560.10	Form and content of requests.
560.11	Submission of requests.
560.12	Consideration and determination of requests; notifications to petitioners.
560.13	Certification of request to the Congress; notifications to petitioners.
560.14	Notification of appropriation.
560.15	Accomplishment of rehabilitation or repair.
560.16	Inspection, audit, and records.
560.17	Payments from funds appropriated by the Congress.
560.18	Supplemental requests.
560.19	Projects for rehabilitation or repair in the Federal-aid Airport Program.
560.20	Forms.

AUTHORITY: §§ 560.1 to 560.20 issued under sec. 17, 60 Stat. 179, as amended by Pub. Law 840, 80th Cong.; 49 U. S. C. 1116.

§ 560.1 *Definitions.* (a) "Act" means the Federal Airport Act (60 Stat. 170; Pub. Law 377, 79th Cong.), as amended by act of June 29, 1948 (62 Stat. 1111; Pub. Law 840, 80th Cong.).

(b) "Administrator" means the Administrator of Civil Aeronautics or his duly authorized representative.

(c) "Airport" means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(d) "Betterment" means the construction or development of a new area or facility replacing a damaged area or damaged facility, or the repair or improvement of a damaged area or damaged facility to a condition better than its condition at the time specified in § 560.8 (a) or § 560.8 (b), whichever is applicable, or in accordance with higher standards of construction than its original construction.

(e) "CAA" means the Civil Aeronautics Administration of the United States Department of Commerce.

(f) "Damaged area" means any area of a public airport where damage has occurred, for the cost of the necessary rehabilitation or repair of which reimbursement is requested under the regulations in this part, and which, in the opinion of the Administrator, is or was identifiable as a functional unit of the airport, contributing materially to its safety or utility.

(g) "Damaged facility" means any airport building, or other airport facility, which has suffered damage, for the cost of the necessary rehabilitation or repair of which reimbursement is requested under the regulations in this part, and which, in the opinion of the Administrator, is or was identifiable as a functional unit of the airport, contributing materially to its safety or utility.

(h) "District Airport Engineer" means the director of a District Office of the Airports Branch of a CAA Regional Office or his duly authorized representative.

(i) "Federal agency" means any executive department, board, bureau, commission, or other agency in the executive branch of the Government of the United States or any corporation wholly owned (either directly or indirectly through one or more corporations) by the United States.

(j) "Petitioner" means a public agency which submits to the Administrator a request for reimbursement for the cost of the necessary rehabilitation or repair of a public airport pursuant to the provisions of section 17 of the act.

(k) "Public agency" means the United States Government or any agency thereof; a State, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands or an agency of any of them; a municipality or other political subdivision; or a tax-supported organization.

(l) "Public airport" means any airport which is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned.

(m) "Regional Administrator" means the director of a CAA Regional Office or his duly authorized representative.

(n) "Rehabilitation or repair" means either restoration or betterment.

(o) "Restoration" means the repair of a damaged area or damaged facility to

a condition equivalent to its condition at the time specified in § 560.8 (a) or § 560.8 (b), whichever is applicable.

(p) "Reimbursement" means the payment of money by the United States to a petitioner pursuant to the provisions of section 17 of the act.

§ 560.2 *Purpose of regulations.* The regulations in this part apply to requests for reimbursement submitted pursuant to the provisions of section 17 of the act, for the cost of the necessary rehabilitation or repair of public airports substantially damaged by Federal agencies. Section 17 of the act authorizes the Administrator to render such assistance to public agencies as he deems necessary in the preparation of such requests for reimbursement. Upon receipt of such a request from a public agency, the Administrator is further authorized, on behalf of the United States, to consider, ascertain, and determine, in accordance with regulations prescribed by him, the actual or estimated cost of such necessary rehabilitation or repair for which such public agency is entitled to reimbursement from the United States and to certify to the Congress the amount of such cost, which certification shall be deemed a contractual obligation of the United States. Section 17 further authorizes such amounts to be appropriated by the Congress as may be necessary to enable the Administrator to make payments to public agencies as provided therein, either upon completion of the rehabilitation or repair involved or as such rehabilitation or repair progresses.

§ 560.3 *Eligible requests for reimbursement.* To be eligible for consideration by the Administrator, a request for reimbursement must:

(a) Be submitted by an eligible petitioner (see § 560.4);

(b) Cover damage to an eligible airport (see § 560.5);

(c) Be submitted within certain time limitations (see § 560.6); and

(d) Cover eligible rehabilitation or repair (see § 560.7).

§ 560.4 *Eligible petitioners.* To be eligible, a petitioner must meet the following requirements:

(a) The petitioner must be a State, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands, or an agency of any of them; a municipality or other political subdivision; or a tax-supported organization.

(b) The petitioner must have control or management of the airport to which the request relates at the time of submitting the request. Control or management may be established by an interim permit or an approved application for a surplus airport in those cases where the airport in question is subject to an outstanding lease or other conveyance to the United States.

§ 560.5 *Eligible airports.* (a) To be eligible, an airport must meet the following requirements:

(1) The airport must be located in the continental United States, the Territory of Hawaii, the Territory of Alaska, Puerto Rico, or the Virgin Islands.

(2) The landing area of the airport must be owned by a public agency at the

time the request is submitted and must have been owned by a public agency at the time the damage occurred.

(3) The airport must be used, or intended to be used, by and for the benefit of the public at the time the request is submitted, must be under the control of a public agency at such time, and must have been used for public purposes under the control of a public agency, at the time the damage occurred.

(4) If the airport was damaged while owned by the United States or a Federal agency, the nucleus of such airport must have been developed or used as a non-Federal public airport prior to the occurrence of the damage.

(b) To meet the requirements of paragraph (a) of this section, it is not necessary that the public agency controlling an airport be the public agency owning its landing area, or that the public agency controlling an airport or owning its landing area, at the time a request is submitted, be the public agency which controlled the airport or owned the landing area at the time the damage occurred.

(c) If an airport is operated by a private person or concern under a lease or contract from a public agency, such airport will be regarded as "used by and for the benefit of the public" and "under the control of a public agency", as required by paragraph (a) (3) of this section, if the airport is being so used and the lease or contract reserves to the public agency sufficient control over the manner in which the airport is operated to permit such public agency to compel its operation for the use and benefit of the public.

§ 560.6 *Time limitations.* (a) A request may be submitted before, during, or after the accomplishment of the rehabilitation or repair for the cost of which reimbursement is requested.

(b) No request will be considered by the Administrator unless such request is submitted within six months after the occurrence of the damage upon which the request is based: *Provided, however,* That in the event the damage was caused by operations of a military nature during time of war, such request may be submitted within six months after the time of termination of war, unless the airport is under the control or management of the United States at the time of the termination of such war, in which event, the request may be submitted to the Administrator within six months after transfer of such control or management of the airport to the public agency involved.

(c) The Administrator will consider a request which is based upon damage which occurred prior to the date of approval of the act: *Provided,* That the foregoing time limitations are complied with.

§ 560.7 *Eligible rehabilitation or repair.* In order to be eligible, rehabilitation or repair must meet the following requirements:

(a) The rehabilitation or repair must be, or have been, necessary to remedy substantial damage to an eligible airport caused or permitted by a Federal agency.

(b) The rehabilitation or repair must be, or have been, for the purpose of remedying damage to an area or facility

which was owned by the petitioner or other non-Federal public agency at the time the damage occurred, unless, at that time, the area or facility was owned by the United States or a Federal agency, in which case the area or facility must have been a part of a non-Federal public airport prior to the occurrence of the damage.

(c) The rehabilitation or repair must have, or have had, as its principal object the remedying of damage for which the petitioner, the airport owner, or any other person or agency has never been adequately compensated, reimbursed, or recompensed by the United States or any Federal agency.

(d) The circumstances must be such that reimbursement would be in the public interest.

§ 560.8 Amount of reimbursement. The amount of reimbursement due for the eligible rehabilitation or repair of any specific damaged area or damaged facility will be determined by the Administrator as provided below:¹

(a) If the damage occurred while the airport was under the management or control of the United States or a Federal agency, the amount determined to be due will be an amount equal to the actual or estimated cost of restoration of the damaged area or damaged facility to a condition equivalent to its condition on the date the United States or a Federal agency assumed management or control of the airport.

(b) If the damage occurred while the airport was not under the management or control of the United States or a Federal agency, the amount determined to be due will be an amount equal to the actual or estimated cost of restoration of the damaged area or damaged facility to a condition equivalent to its condition immediately prior to such damage.

(c) The principles stated in paragraphs (a) and (b) of this section will apply whether the rehabilitation or repair of a damaged area or damaged facility consists of restoration or betterment.

§ 560.9 Claims filed with other Federal agencies. A request for reimbursement may be submitted under the regulations in this part notwithstanding the fact that the petitioner has filed prior thereto a claim against the United States relating to the subject matters of such request. In such a case, however, the petitioner shall notify the Administrator, as hereinafter provided, as to the basis for and the current status of, such claim.

§ 560.10 Form and content of requests. (a) A request for reimbursement which a petitioner must submit under the regulations in this part is not required to be in any particular form. However, a request must state that it is made pursuant to section 17 of the act and the regulations in this part, and should contain the following pertinent information: (Documents, maps, affidavits, records, and other materials necessary to support the request should be submitted with such requests or as soon thereafter as possible, if available or procurable).

(1) Name and address of petitioner.

(2) Name and location of airport.

(3) Ownership of airport at time of submitting request; if petitioner or another public agency is operating the airport under a lease, permit, license, or agreement from another public agency, copies of such instruments must be submitted; if a lessee or assignee of the petitioner or another public agency is operating the airport, copies of the operating lease or agreement must be submitted.

(4) Extent to which the airport has ever been operated other than for the use and benefit for the public.

(5) The name of the Federal agency causing or permitting the damage.

(6) Date or period when damage occurred.

(7) Ownership of airport, damaged areas, and damaged facilities at time damage occurred; if a Federal agency was at that time in possession under a lease or agreement with the petitioner or another public agency, copies of such documents must be submitted.

(8) (i) If the damage occurred while the airport was in possession or control of a Federal agency, evidence or information must be submitted as to the condition of the airport at the time the Federal agency assumed possession or control and its condition at the time such possession or control was relinquished.

(ii) If the damage occurred while the airport was not in possession or control of a Federal agency, evidence or information must be submitted as to its condition immediately prior to such damage.

(9) Type, extent, and period of operation of the airport by the Federal agency.

(10) Specific cause of the damage, giving full facts known relative to what specific acts or omissions on the part of a Federal agency damaged the airport.

(11) Nature and extent of the damage, illustrated by maps of the airport with the damage area delineated thereon, photographs, and such other evidence pertaining thereto as may be available.

(12) Extent to which the damage was covered by insurance.

(13) Itemized lists of all rehabilitation or repair work accomplished, with breakdowns of such work by items and cost; vouchers or other evidence of payment must be submitted, together with maps, photographs and other pertinent material.

(14) Itemized lists of all proposed rehabilitation or repair considered necessary, with an estimate of costs of each item and accompanied by such plans and specifications as have been prepared.

(15) Such other records, documents, or data as may be necessary to support the request for reimbursement.

(16) Statement to the effect that the request does not include reimbursement for the cost of rehabilitation or repair of improvements and facilities constructed with United States funds by the Federal agency which owned, managed, or controlled the airport or caused or permitted the damage.

(17) Nature and current status of any claim filed with a Federal agency, or any litigation arising out of or in connection with the subject damage; copies of any

such claim or the pleadings in any such litigation must be submitted.

(b) Each request shall be signed and verified by an officer of the petitioner, duly authorized and designated to file such request for and on behalf of the petitioner.

(c) In addition, each request must be accompanied by evidence that the petitioner has granted, or caused to be granted, authority to the District Airport Engineer or other representatives of the Administrator to inspect the airport and the damaged areas and damaged facilities, to interview representatives of the petitioner and airport owner, and to examine airport records and documents as may be deemed necessary by such representatives of the Administrator.

§ 560.11 Submission of requests. All requests shall be submitted to the appropriate District Airport Engineer in quadruplicate. The date of receipt of a request by a District Airport Engineer will be considered the date on which such request was submitted to the Administrator.

§ 560.12 Consideration and determination of requests; notifications to petitioners. (a) Consideration by the Regional Administrator: The Regional Administrator, upon receipt of a request, will review it and forward it to the Administrator with such comments and information as may be pertinent to the issues presented.

(b) Preliminary finding; notification to petitioner; filing of additional information: After receipt of a request, the Administrator will obtain the views of the Federal agency or agencies alleged to have caused the damage, and will thereafter make a preliminary and tentative finding of the eligibility of the rehabilitation or repair and the amount of reimbursement due. The petitioner will be notified of such preliminary and tentative finding. The notification will designate each of the damaged areas and damaged facilities which are to be, or have been, rehabilitated or repaired, and for each of such areas and facilities the notification will state the rehabilitation or repair for which reimbursement was requested, the amount requested therefor, and the amount tentatively allowed therefor. The petitioner will be given twenty days, or such additional time as may be granted, to file additional information in support of any amount which has not been tentatively allowed. Any additional information filed will be considered in the final determination of the amount of reimbursement due.

(c) Final determination by the Administrator: The Administrator will thereafter consider, ascertain, and finally determine the amount of reimbursement due for the actual or estimated cost of the eligible rehabilitation or repair.

§ 560.13 Certification of requests to the Congress; notifications to petitioners. (a) The Administrator will certify to the Congress such amount as he has determined to be the actual or estimated cost of the eligible rehabilitation or repair. The certification will include a brief statement of the character of the damage upon which the request is based and

¹ See also § 560.17.

of the work performed or to be performed to accomplish the eligible rehabilitation or repair.

(b) The petitioner will be notified by the Administrator of the certification to the Congress. The notification will designate the damaged areas and damaged facilities of the airport which are to be, or have been, rehabilitated or repaired and for each of such areas and facilities the notification will state the rehabilitation or repair for which reimbursement was requested, the amount requested therefor, and the amount included therefor in the certification to the Congress.

§ 560.14 *Notification of appropriation.* As soon as possible after an appropriation has been made by the Congress pursuant to a certification by the Administrator, the petitioner will be notified of the amount so appropriated.

§ 560.15 *Accomplishment of rehabilitation or repair—(a) Time of performance.* Rehabilitation or repair may be accomplished before a request for reimbursement is submitted pursuant to the provisions of § 560.10, or may be accomplished at any time thereafter. However, if there is to be betterment of a damaged area or damaged facility, and such item of betterment is, or is to be, included as airport development in a project in the Federal-Aid Airport Program (see § 560.19), such item of betterment should not be undertaken prior to the date of execution of a Grant Agreement therefor.

(b) *Separable rehabilitation or repair.* A petitioner may accomplish the rehabilitation or repair of an airport as a whole or, if it desires to do so, may accomplish separately the rehabilitation or repair of any damaged area or damaged facility.

(c) *Plans and specifications.* Plans and specifications for the accomplishment of rehabilitation or repair shall be submitted to the Administrator for his approval, unless in the opinion of the Administrator the work involved in rehabilitation or repair is of a type not requiring plans and specifications for satisfactory accomplishment. Such plans and specifications shall be submitted prior to the start of construction unless the rehabilitation or repair has been completed at the time a request for reimbursement is submitted therefor, in which event the plans and specifications for such rehabilitation or repair shall be submitted with such request for reimbursement or as soon thereafter as possible. Early submission of plans and specifications may avoid delays in the making of payments.

§ 560.16 *Inspection, audit, and records.* A petitioner shall permit authorized representatives of the Administrator to inspect the airport to determine that rehabilitation or repair is being or has been accomplished satisfactorily, and to audit its records and accounts to determine the amount of reimbursement due therefor. If a request for reimbursement includes a substantial amount of rehabilitation or repair completed prior to the request, or includes entirely completed rehabilitation or repair of a damaged area or damaged facility, an inspection of

such completed rehabilitation or repair and an audit of the costs thereof may be made prior to certification to the Congress. Progress inspections and audits may be made at any time at the discretion of the Regional Administrator during the accomplishment of the rehabilitation or repair. A final inspection and audit will be made prior to lump-sum payment or final payment as provided for in § 560.17 (a) and § 560.17 (b). In order to facilitate the determination by the Administrator of the actual costs of rehabilitation or repair, a petitioner should secure and retain in its files documentary evidence of costs and payments therefor, such as invoices, cost estimates, pay rolls, vouchers, cancelled checks or warrants, and receipts.

§ 560.17 *Payments from funds appropriated by the Congress.* Funds appropriated by the Congress pursuant to a certification by the Administrator may be paid to a petitioner, as provided in this section, either in a lump-sum payment or in progress payments.

(a) *Lump-sum payments.* A lump-sum payment may be applied for by a petitioner either after completion of all eligible rehabilitation or repair for which certification was made or after completion of the rehabilitation or repair of any damaged area or damaged facility covered by such certification. Such a payment will be made only after an inspection and audit have been made by the CAA pursuant to the provisions of § 560.16 and only if the rehabilitation or repair has been completed to the satisfaction of the Administrator. If the completed rehabilitation or repair has been paid for by the petitioner, payment will be made in an amount equivalent to the actual cost of the rehabilitation or repair, or the amount included in the certification therefor, or the amount of appropriated funds available for reimbursement therefor, whichever of such amounts is the least. If the rehabilitation or repair has been accomplished but not paid for, the Administrator will pay not to exceed 90% of the actual cost of such rehabilitation or repair, or 90% of the amount included in the certification therefor, or 90% of the amount of appropriated funds available for reimbursement therefor, whichever of such amounts is the least; thereafter, when the rehabilitation or repair has been paid for, the petitioner may apply for and receive payment of the balance of the total amount which would have been payable as a lump-sum payment under this section if such rehabilitation or repair had been paid for at the time the original application for such payment was made.

(b) *Progress payments—(1) Agreements for progress payments.* Progress payments may be made either for all eligible rehabilitation or repair for which certification was made or for the rehabilitation or repair of any damaged area or damaged facility covered by such certification, as such rehabilitation or repair progresses. Such payments will be made, as provided herein, to a petitioner at its request provided an agreement therefor has been entered into between the petitioner and the Administrator on

Form ACA 2045 (§ 560.20 (a)). A petitioner desiring progress payments should so notify the Administrator, describing the rehabilitation or repair to be accomplished, for which progress payments will be requested, and distinguishing between items of restoration and items of betterment. Such a notice may be submitted at any time after certification and should be submitted as far as possible in advance of the date it is anticipated a request for payment will be made. After monies have been appropriated by the Congress for payment of rehabilitation or repair included in such a notice, the Administrator will prepare and execute a proposed agreement on Form ACA 2045 (§ 560.20 (a)) based upon such notice and will submit it to the petitioner as soon as circumstances permit, for execution by a duly authorized official of the petitioner. When so executed, an agreement should be returned to the District Airport Engineer.

(2) *Time and amount of progress payments.* A petitioner may apply for progress payments, as the work progresses, on a monthly basis or such other basis as may be set forth in the agreement entered into pursuant to § 560.17 (b) (1). The amount of a progress payment will be based upon the percentage of physical completion of the rehabilitation or repair for which payment is applied for. To determine the aggregate amount of progress payments earned as of a specified date for any particular item of rehabilitation or repair, such percentage will be applied to the agreed-upon maximum amount of reimbursement for such item, or to the latest revised total estimated cost of such item, whichever is the lesser. The progress payment due as of such date will equal such aggregate amount less the total of all prior progress payments for the item. No progress payment will be made, however, which would bring the aggregate of such payments to an amount in excess of 90% of the agreed-upon maximum amount of reimbursement for the item or to an amount in excess of 90% of the latest revised total estimated cost thereof, whichever is the lesser.² *Provided,* That where the rehabilitation or repair has been more than 90% completed, and where all of the rehabilitation or repair accomplished has been paid for by the petitioner, and where the remainder of the rehabilitation or repair to be accomplished will be suspended for an appreciable length of time due to weather conditions or other causes beyond the control of the petitioner, a progress payment may, at the discretion

² Under the formula in § 560.16 (b) (2), in a case in which only restoration is involved and in which the agreed-upon maximum amount exceeds or is equal to the latest revised total estimated cost of such restoration, the aggregate amount of progress payments earned as of a particular date, will be equal to the actual cost of work accomplished to such date. Where betterment is involved and the agreed-upon maximum amount is equal to or less than the latest revised total estimated cost of such betterment, the aggregate amount of progress payments earned as of a particular date, will be a percentage of the agreed-upon maximum amount.

of the Administrator, be made in an amount which will bring the aggregate of such payments to an amount computed on the basis of the percentage of physical completion reached, such payment to be made on the basis of an inspection by the CAA and a CAA audit.

(3) *Final payments.* Final payment for any particular item of rehabilitation or repair will be made after such item has been accomplished to the satisfaction of the Administrator, and has been paid for by the petitioner, and after an inspection has been made by the CAA and the amount of reimbursement has been established by a final CAA audit. Such a final payment will be made in an amount computed by deducting the aggregate amount of all progress payments made for the item from the smallest of the three following amounts: (i) The actual cost of the item of rehabilitation or repair; (ii) the amount included therein in the certification; (iii) the amount of appropriated funds available for reimbursement therefor.

(c) *Applications for payments.* All applications for progress, final, and lump-sum payments shall be made on Form ACA-2044 (§ 560.20 (b)), accompanied by a summary of costs of rehabilitation or repair on Form ACA-1630 (§ 560.20 (c)) and a separate Periodic Cost Estimate on Form ACA-1629 (§ 560.20 (d)) for each construction contract or petitioner's force account representing costs for which payment is requested.

(d) *Recovery in event of excess payments.* If the Administrator determines at any time that the aggregate of payments for an item of rehabilitation or repair exceeds the actual cost of the work then performed therefor, or the maximum amount included in the certification therefor, the United States shall be entitled to recover such excess.

§ 560.18 *Supplemental requests.* (a) A petitioner may submit a supplemental request for reimbursement in the amount by which the actual cost of a completed item of restoration exceeds its estimated cost as previously included in a certification made by the Administrator to the Congress. Such a supplemental request shall identify the original request, shall set forth the additional amount requested, which shall be supported by vouchers or other evidence of the actual cost, shall state the cause of the variation between the estimated and actual costs of such restoration, shall be verified in the same manner as an original request, and shall be submitted to the District Airport Engineer in quadruplicate.

(b) If upon receipt of a supplemental request, and after an inspection and audit of the completed rehabilitation or repair, the Administrator determines that the actual cost of a completed item of restoration exceeds the amount of the estimated cost of such item included by him in a certification to the Congress, the Administrator will certify to the Congress the amount by which such actual cost exceeds such estimate, including in the certification a brief statement of the cause of the variation between the estimated and actual costs of the rehabilitation or repair.

§ 560.19 *Projects for rehabilitation or repair in the Federal-aid Airport Program.** Subject to the applicable requirements of the act relative to the Federal-aid Airport Program and Part 550 of the regulations of the Administrator, a petitioner may sponsor a project in that Program for any item of betterment which has not yet been accomplished, the estimated cost of which exceeds the amount of reimbursement therefor included in a certification to the Congress under this part. The participation by the United States in such a project in the Federal-aid Airport Program will be a percentage share of the allowable project costs of the item of betterment over and above the amount of reimbursement therefor included in the certification.

§ 560.20 *Forms.* The purpose of this section is to describe the various forms referred to in the foregoing sections of this part. Copies of such forms and assistance in the completion and execution thereof may be obtained by a petitioner from the District Airport Engineer of the CAA district in which the airport to be rehabilitated or repaired is located.

(a) *Agreement for progress payments for airport rehabilitation or repair, Form ACA-2045 (3-49).* This form, when executed by the Administrator on behalf of the United States and by a petitioner, constitutes an agreement between the United States and the petitioner for the making of progress payments of monies appropriated by the Congress in reimbursement of the cost of rehabilitation or repair. This agreement describes the items of rehabilitation or repair for which progress payments will be made, indicating whether they are items of restoration or items of betterment, and specifies the maximum amount of the United States obligation therefor. Such agreement includes a promise by the petitioner to complete the rehabilitation or repair in accordance with plans and specifications (including subsequent revisions and modifications thereof) having the approval of the Administrator or his duly authorized representative, and to refund to the United States all such payments for any item of rehabilitation or repair in the event such item of rehabilitation or repair is not so completed. It provides also that in the event it is determined by the Administrator upon completion of any item of restoration that the actual cost thereof is in excess of the agreed-upon maximum amount for such item, acceptance by the petitioner of progress payments aggregating said maximum amount shall not be deemed full reimbursement of the cost of such rehabilitation or repair and shall not prejudice the right of the petitioner to submit a supplementary request for reimbursement in the amount of such excess. In addition, it will include such special terms and conditions as the Administrator determines to be necessary in the particular case to insure compliance with section 17 of the act and the regulations in this part.

(b) *Application for payment for rehabilitation or repair, Form ACA-2044 (3-49).* This form contains a formal

* See also § 560.15 (a) and § 550.5 (1) of this chapter.

statement of application for payment for rehabilitation or repair in a specified amount. It identifies the appropriate letter of notification of certification from the Administrator and the agreement, if any, between the petitioner and Administrator for progress payments. It contains spaces for describing briefly the items of restoration and betterment involved and for stating for each of such items the agreed-upon maximum amount of reimbursement, the revised total estimated cost, the costs of rehabilitation or repair incurred as of a specified date, the amount of reimbursement earned as of that date, the amount of all previous payments and unpaid applications, and the amount applied for. The following certification to be executed by a responsible official of the sponsor is provided for:

I certify that the above application for payment is correct and just, and for a payment which has not been received. I further certify that the cost estimates and statements of costs incurred, as set forth in this application, are true and correct, and relate only to items of rehabilitation or repair contemplated by the letter of notification of certification from the Administrator of Civil Aeronautics dated _____, 19____ and the agreement entered into between the Petitioner and the United States dated _____, 19____; and that all such costs have been incurred in connection with rehabilitation or repair accomplished in accordance with said letter of notification and agreement¹ and applicable plans and specifications.

¹ This reference to an agreement should be stricken if no such agreement exists.

In addition, a certification is provided for signature by the District Airport Engineer.

Instructions for the preparation of this form are appended thereto.

(c) *Summary of Project Costs, Form ACA-1630 (5-48).* This form contains spaces in which the petitioner is to insert a description of the rehabilitation or repair accomplished, the latest revised total estimated costs, the actual costs incurred to date, and the percentage that the latter bears to the former, all of these figures to be broken down into four main cost classifications: (1) Construction costs, (2) engineering costs, (3) administrative expenses, and (4) contingencies. Instructions for the preparation of this form are appended thereto.

(d) *Periodic Cost Estimate, Form ACA-1629 (5-49).* This form contains two certifications, as follows:

(1) A certification to be executed by the contractor (or the petitioner with respect to force account work) that "the work performed and the materials supplied to date, as shown on this Periodic Cost Estimate, represent the actual value of accomplishment under the terms of this contract in conformity with approved plans and specifications, and that the quantities shown were properly determined and are correct."

(2) An "acknowledgment and concurrence of the petitioner's engineer, concurring in the contractor's certification

¹ As revised for use in connection with section 17 work, in accordance with Instructions appended to the form.

(to be omitted in the case of force account work).

These certifications are preceded by spaces for inserting information regarding the progress of rehabilitation or repair, including the dates when the work was commenced and when completion is anticipated, the percentage of physical completion of rehabilitation or repair, the latest revised estimate of the quantity and cost of the various work items to be accomplished, and a statement of the quantities and value of all work items actually accomplished as of the end of the period for which the report is prepared.

Instructions for the preparation of this form are appended thereto.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

NOTE: The reporting and record-keeping requirements contained in this amendment have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 49-3641; Filed, May 6, 1949;
8:50 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

PART 329—DELEGATIONS OF AUTHORITY

EXCLUSION FROM CODE OF FEDERAL REGULATIONS, 1949 EDITION

EDITORIAL NOTE: Part 329—Delegations of Authority has been excluded from the Code of Federal Regulations, 1949 Edition. Future amendments to this part will be published in the Notices section of the FEDERAL REGISTER.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 48-613, appearing at page 436 of the issue for Saturday, January 31, 1948, the third line of § 146.32 (d) (3) (ii) should read: "for each 5000 immediate containers in the".

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter IV—War Assets Administration

[Reg. 17, Order 5]

PART 404—STOCKPILING OF STRATEGIC AND CRITICAL MATERIALS

FORMS FOR REPORTING STRATEGIC MATERIALS

Correction

In Federal Register Doc. 49-3373, appearing at page 2143 of the issue for

Saturday, April 30, 1949, the designation "\$ 404.53" should read, "\$ 404.55".

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Released Rates Order MC-1, Amdt.]

PART 187—FREIGHT RATE TARIFFS, SCHEDULES AND CLASSIFICATIONS

RELEASED RATES ON CERTAIN ARTICLES

Upon consideration of Released Rates Order No. MC-1 of January 16, 1936 (49 CFR, Cum. Supp., 187.200), authorizing motor common carriers to establish and maintain truckload and less-truckload classification rating on household goods and other articles as described in said order dependent upon the released value of the property as set forth in the appendix attached to and made a part of said order; and good cause appearing therefor:

It is ordered, That said Released Rates Order No. MC-1 of January 16, 1936 (49 CFR, Cum. Supp., 187.200), is hereby amended so as to apply also on truckload and less-truckload classification exception ratings on said articles. As amended, § 187.200 (a) will read:

§ 187.200 *Released rates on certain articles—(a) Authority for, and manner of, establishment.* All motor carriers and their duly authorized agents or the duly accredited successors of such agents are authorized to establish and maintain by filing and posting in the manner prescribed in sections 217 and 218 of Part II of the Interstate Commerce Act, truckload and less-than-truckload classification and exception ratings for carpets and carpeting; graphite crucibles; hides, pelts, or skins, not dressed nor tanned; household goods; jewelers' sweepings; leather scrap; leatherboard scrap; ores not otherwise indexed in the classification; paintings and pictures; pottery, chinaware, earthenware, porcelainware or stoneware, not otherwise indexed in the classification; printed matter; silk, raw, spun, schappe, or thrown, including orgazine, singles, tram, warp, or yarns; watches and clocks dependent upon the released value of the property declared by the shipper in writing, or agreed upon in writing in the following manner:

And it is further ordered, That tariffs containing released classification or exception ratings filed under authority of this section, as amended, shall show in connection with such ratings the following notation under paragraph (d), *Authority to be shown in tariff:*

Ratings herein based on released value have been authorized by the Interstate Commerce Commission in Released Rates Order No. MC-1 of January 16, 1936, as amended October 20, 1948, subject to complaint and suspension.

(41 Stat. 496, 49 Stat. 563, 56 Stat. 300; 49 U. S. C. 20 (11), 319)

Dated at Washington, D. C., this 20th day of October, 1948.

By the Commission.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 49-3627; Filed, May 6, 1949;
8:46 a. m.]

TITLE 50—WILDLIFE

Chapter III—International Regulatory Agencies (Fishing and Whaling)

Subchapter A—International Fisheries Commission

PART 301—PACIFIC HALIBUT FISHERIES

Regulations of the International Fisheries Commission adopted pursuant to the Pacific Halibut Fishery Convention between the United States of America and the Dominion of Canada, signed January 29, 1937.

Sec.

- 301.1 Regulatory areas.
- 301.2 Limit of catch in each area.
- 301.3 Length of closed season.
- 301.4 Issuance of licenses and conditions limiting their validity.
- 301.5 Retention of halibut taken with other fish under permit.
- 301.6 Issuance of permits and conditions limiting their validity.
- 301.7 Statistical return by vessels.
- 301.8 Statistical return by dealers.
- 301.9 Closed small halibut grounds.
- 301.10 Dory gear prohibited.
- 301.11 Nets prohibited.
- 301.12 Retention of tagged halibut.
- 301.13 Responsibility of master.
- 301.14 Supervision of unloading and weighing.

AUTHORITY: §§ 301.1 to 301.14 Issued under Article III, 50 Stat. 1352.

§ 301.1 *Regulatory areas.* (a) Convention waters which include the territorial waters and the high seas off the western coast of Canada and the United States of America including the southern as well as the western coasts of Alaska, shall be divided into the following areas, all directions given being magnetic unless otherwise stated.

(b) Area 1A shall include all convention waters southeast of a line running northeast and southwest through Cape Blanco Light, as shown on Chart 5952, published in February, 1935, by the United States Coast and Geodetic Survey, which light is approximately latitude 42°50'14" N., longitude 124°33'45" W.

(c) Area 1B shall include all convention waters between Area 1A and a line running northeast and southwest through Willapa Bay Light on Cape Shoalwater, as shown on Chart 6185, published in July, 1939, by the United States Coast and Geodetic Survey, which light is approximately latitude 46°43'17" N., longitude 124°04'15" W.

(d) Area 2 shall include all convention waters off the coasts of the United States of America and of Alaska and of the Dominion of Canada between Area 1B and a line running through the most westerly point of Glacier Bay, Alaska, to Cape Spencer Light as shown on Chart 8304, published in June, 1940, by the United States Coast and Geodetic Survey, which light is approximately latitude 58°11'57" N., longitude 136°38'18" W., thence south one-quarter east and is exclusive of the areas closed to all halibut fishing in § 301.9.

(e) Area 3 shall include all the convention waters off the coast of Alaska that are between Area 2 and a straight line running from the light on Cape Kabuch at the head of Ikaton Bay as shown on Chart 8701 published in February, 1943, by the United States Coast and

Geodetic Survey which light is approximately latitude 53°49'03" N., longitude 163°21'42" W., thence to Cape Sarichef Light at the western end of Unimak Island as shown on Chart 8360 published in December, 1942, (12th Edition) by the United States Coast and Geodetic Survey which light is approximately latitude 54°36'00" N., longitude 164°55'45" W., thence true west.

(f) Area 4 shall include all convention waters in Bering Sea which are not included in Area 3.

§ 301.2 Limit of catch in each area.

(a) The catch of halibut to be taken during the halibut fishing season of the year 1949 from Area 2 shall be limited to approximately 25,500,000 pounds of salable halibut, and from Area 3 to approximately 28,000,000 pounds of salable halibut, and from Area 4 to approximately 500,000 pounds of salable halibut, the weights in each or any such limit to be computed as with heads off and entrails removed.

(b) The catch of halibut to be taken from each area during the halibut fishing season of the year 1949 shall also be limited to halibut which with the head on are 26 inches or more in length as measured from the tip of the lower jaw to the extreme end of the middle of the tail or to halibut which with the head off and entrails removed are 5 pounds or more in weight, and the possession of any halibut of less than the above length or the above weight, according to whether the head is on or off, by any vessel or by any master or operator of any vessel or by any person, firm or corporation, is prohibited.

(c) The International Fisheries Commission shall as early in the said year as is practicable determine the date on which it deems each limit of catch defined in paragraph (a) of this section will be attained, and the limit of each such catch shall then be that which shall be taken prior to said date, and fishing for or catching of halibut in the area or areas to which such limit applies shall at that date be prohibited until after the end of the closed season as defined and modified in § 301.3, except as provided in § 301.5 and in Article I of the Convention: *And provided*, That if it shall at any time become evident to the International Fisheries Commission that the limit will not be reached by such date, it may substitute another date.

§ 301.3 Length of closed season. (a) Under the authority of Article I of the aforesaid Convention the closed season as therein defined shall be modified so as to end at 12 midnight of the 30th day of April of the year 1949 and of each year thereafter and shall begin at 12 midnight of the 30th day of November of each year unless an earlier date is determined upon for any area under the provisions of paragraph (b) of this section.

(b) Under authority of Article I of the Convention, the closed season as therein defined shall begin in each area on the date on which the limit is reached as provided in paragraph (c) of § 301.2 and the closing of such area or areas shall be taken to have been duly approved unless before the said date either

the President of the United States of America or the Governor General of Canada shall have signified his disapproval, (the burden of proving any such signification being upon the person alleging it) and provided that the closing date of Area 2 or of Area 3, whichever shall be later, shall apply to Areas 1A and 4, unless Area 4 shall have been previously closed under this section, and that the closing date of Area 2 shall apply to Area 1B.

(c) Nothing contained in the regulations in this part shall prohibit the fishing for species of fish other than halibut or prohibit the International Fisheries Commission from conducting fishing operations as provided for in Article I of the Convention.

§ 301.4 Issuance of licenses and conditions limiting their validity. (a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise than as a common carrier documented by the Government of the United States or of Canada for the carriage of freight, must be licensed by the International Fisheries Commission: *Provided*, That vessels of less than five net tons or vessels which do not use set lines need not be licensed unless they shall require a permit as provided in § 301.5.

(b) Each vessel licensed by the International Fisheries Commission shall carry on board at all times while at sea the halibut license thus secured whether it is validated for halibut fishing or endorsed with a permit as provided in § 301.6 and this license shall at all times be subject to inspection by authorized officers of either of said Governments or by representatives of the International Fisheries Commission.

(c) The halibut license shall be issued without fee by the customs officers of either of said Governments or by representatives of the International Fisheries Commission or by fishery officers of either of said Governments at places where there are neither customs officers nor representatives of the International Fisheries Commission. A new license may be issued by the officer accepting statistical return at any time to vessels which have furnished proof of loss of the license form previously issued, or when there shall be no further space for record thereon, providing the receipt of statistical return shall be shown on the new form for any halibut or other species taken during or after the voyage upon which loss occurred. The old license form shall be forwarded in each case to the International Fisheries Commission.

(d) The halibut license of any vessel shall be validated before departure from port for each halibut fishing operation for which statistical returns are required. This validation of a license shall be by customs officers or by fishery officers of either of said Governments when available at places where there are no customs officers and shall not be made unless the area in which the vessel will fish is entered on the license form and unless the provisions of § 301.7 have been complied with for all landings and all fishing operations since issue of the license: *Pro-*

vided, That if the master or operator of any vessel shall fail to comply with the provisions of § 301.7, the halibut license of such vessel may be validated by customs officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(e) The halibut license of any vessel fishing for halibut in Area 1A as defined in § 301.1 after the closure of Areas 1B and 2 must be validated at a port or place within Area 1A prior to each such fishing operation.

(f) No halibut license shall be validated for departure for halibut fishing in Areas 1A or 1B or 2 more than three days, and in Areas 3 or 4 more than five days before the end of the closed season as defined in § 301.3 (a).

(g) No halibut license shall be valid for halibut fishing in more than one area, as defined in § 301.1, during any one trip nor shall it be revalidated for halibut fishing in another such area while the vessel has any halibut on board.

(h) The halibut license shall not be valid for halibut fishing in any area closed to halibut fishing or for the possession of halibut in any area closed to halibut fishing except while in actual transit to or within a port of sale.

(i) The halibut license shall not be valid for halibut fishing in any area while a permit endorsed thereon is in effect, nor shall it be validated while halibut taken under such permit is on board.

(j) The halibut license of any vessel shall not be valid for the possession of any halibut in any area other than that for which validated, if such vessel is in possession of baited gear, except in those waters included within a twenty-five mile radius of Cape Spencer Light, Alaska.

§ 301.5 Retention of halibut taken with other fish under permit. (a) There may be retained for sale on any vessel which shall have a permit as provided in § 301.6 such halibut as is caught incidentally to fishing by that vessel in any area that is closed to halibut fishing under § 301.2 with set lines (of the type commonly used in the Pacific coast halibut fishery) for other species, not to exceed at any time one pound of halibut for each seven pounds of salable fish, actually utilized, of other species not including salmon or tuna, and such halibut may be sold as the catch of said vessel, the weight of all fish to be computed as with heads off and entrails removed: *Provided*, That it shall not be a violation of this regulation for any such vessel to have in possession halibut in addition to the amount herein allowed to be sold if such additional halibut shall not exceed thirty per cent of such amount and shall be forfeited and surrendered at the time of landing as provided in paragraph (d) of this section.

(b) The catch of halibut taken and retained under such permit shall be limited to halibut which with the head on are 26 inches or more in length as measured from the tip of the lower jaw to the extreme end of the middle of the tail or to halibut which with the head off and

entrails removed are 5 pounds or more in weight, and the possession of any halibut of less than the above length or the above weight, according to whether the head is on or off, by any vessel or by any master or operator of any vessel or by any person, firm or corporation, is prohibited.

(c) Halibut retained under such permit shall not be landed or otherwise removed or be received by any person, firm or corporation from the catching vessel until all halibut on board shall have been reported to a customs, fishery or other authorized enforcement officer of either of said Governments by the captain or operator of said vessel and also by the person, firm or corporation receiving the halibut, and no halibut or other fish shall be landed or removed or be received from the catching vessel except with the permission of said officer and under such supervision as the said officer may deem advisable.

(d) Halibut retained under such permit shall not be purchased or held in possession by any person other than the master, operator or crew of the catching vessel in excess of the proportion allowed in paragraph (a) of this section until such excess whatever its origin shall have been forfeited and surrendered to the customs, fishery or other authorized officers of either of said Governments. In forfeiting such excess, the vessel shall be permitted to surrender any part of its catch of halibut: *Provided*, That the amount retained shall not exceed the proportion herein allowed.

(e) Permits for the retention and landing of halibut in the year 1949 shall become invalid at 12 midnight of the 15th day of November of said year or at such earlier date as the International Fisheries Commission shall determine.

§ 301.6 Issuance of permits and conditions limiting their validity. (a) Any vessel which shall be used in fishing for other species than halibut in any area closed to halibut fishing under § 301.2 must have a halibut license and a permit if it shall retain, land or sell any halibut caught incidentally to such fishing or possess any halibut of any origin during such fishing, as provided in § 301.5.

(b) The permit shall be shown by endorsement of the issuing officer on the face of the halibut license form held by said vessel and shall show the area for which the permit is issued.

(c) The permit shall terminate at the time of first landing thereafter of fish of any species and a new permit shall be secured before any subsequent fishing operation for which a permit is required.

(d) A permit shall not be issued to any vessel which shall have halibut on board taken while said vessel was licensed to fish in an open area unless such halibut shall be considered as taken under the issued permit and is thereby subject to forfeiture when landed if in excess of the proportion permitted in paragraph (a) of § 301.5.

(e) A permit shall not be issued to, or be valid if held by, any vessel which shall fish with other than set lines of the type commonly used in the Pacific coast halibut fishery.

(f) The permit of any vessel shall not be valid unless the permit is granted before departure from port for each fishing operation for which statistical returns are required. This granting of a permit shall be by customs officers or by fishery officers of either of said Governments when available at places where there are no customs officers and shall not be made unless the area in which the vessel will fish is entered on the halibut license form and unless the provisions of § 301.7 have been complied with for all landings and all fishing operations since issue of the license or permit: *Provided*, That if the master or operator of any vessel shall fail to comply with the provisions of § 301.7, the permit of such vessel may be granted by customs officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(g) The permit of any vessel shall not be valid if said vessel shall have in its possession at any time halibut in excess of the amount allowed under paragraph (a) of § 301.5.

§ 301.7 Statistical return by vessels.

(a) Statistical return as to the amount of halibut taken during fishing operations must be made by the master or operator of any vessel licensed under the regulations in this part and as to the amount of halibut and other species by the master or operator of any vessel operating under permit as provided for in §§ 301.5 and 301.6, within 48 hours of landing, sale or transfer of halibut or of first entry thereafter into a port where there is an officer authorized to receive such return.

(b) The statistical return must state the port of landing and the amount of each species taken within the area defined in the regulations in this part for which the vessel's license is validated.

(c) The statistical return must include all halibut landed or transferred to other vessels and all halibut held in possession on board and must be full, true and correct in all respects herein required. A copy of such return must be forwarded to the International Fisheries Commission at such times as the latter shall require.

(d) The master or operator and/or any person engaged on shares in the operation of any vessel licensed or holding a permit under the regulations in this part may be required by the International Fisheries Commission or by any officer of either of said Governments authorized to receive such return to certify to its correctness to the best of his information and belief and to support the certificate by a sworn statement. Validation of a halibut license or issuance of a permit after such sworn return is made shall be provisional and shall not render the license or permit valid in case the return shall later be shown to be false or fraudulently made.

(e) The master or operator of any vessel holding a license or permit under the regulations in this part shall keep an accurate log of all fishing operations in-

cluding therein date, locality, amount of gear used, and the amount of halibut taken daily in each such locality. This log record shall be open to inspection of representatives of the International Fisheries Commission authorized for this purpose.

(f) The master, operator and/or any other person engaged on shares in the operation of any vessel licensed under the regulations in this part may be required by the International Fisheries Commission or by any officer of either of said Governments to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

§ 301.8 Statistical return by dealers.

(a) All persons, firms or corporations that shall buy halibut or receive halibut for any purpose from fishing or transporting vessels or other carrier shall keep and on request furnish to customs officers or to any enforcing officer of either of said Governments or to representatives of the International Fisheries Commission, records of each purchase or receipt of halibut, showing date, locality, name of vessel, person, firm or corporation purchased or received from and the amount in pounds according to trade categories of the halibut and other species landed with the halibut.

(b) All persons, firms or corporations receiving fish from a vessel fishing under permit as provided in § 301.5 shall within 48 hours make to an authorized enforcing officer of either of said Governments a signed statistical return showing the date, locality, name of vessel received from and the amount of halibut and of other species landed with the halibut and certifying that permission to receive such fish was secured in accordance with paragraph (c) of § 301.5. Such persons, firms or corporations may be required by any officer of either of said Governments to support the accuracy of the above signed statistical return with a sworn statement.

(c) All records of all persons, firms or corporations concerning the landing, purchase, receipt and sale of halibut and other species landed therewith shall be open at all times to inspection of any enforcement officer of either of said Governments or of any authorized representative of the International Fisheries Commission. Such persons, firms or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

(d) The possession by any person, firm or corporation of halibut which such person, firm or corporation knows to have been taken by a vessel without a valid halibut license or a vessel without a permit when such license or permit is required, is prohibited.

§ 301.9 Closed small halibut grounds.

(a) The following areas have been found to be populated by small, immature halibut and are hereby closed to all halibut fishing and the possession of halibut of any origin is prohibited therein during fishing for other species: (b) First, that area in the waters off the coast of Alaska within the following boundary as stated in terms of the mag-

netic compass unless otherwise indicated: From the north extremity of Cape Ulltka, Noyes Island, approximately latitude 55°33'48" N., longitude 133°43'35" W., to the south extremity of Wood Island, approximately latitude 55°39'44" N., longitude 133°42'29" W.; thence to the east extremity of Timbered Islet, approximately latitude 55°41'47" N., longitude 133°47'42" W.; thence to the true west extremity of Timbered Islet, approximately latitude 55°41'46" N., longitude 133°48'01" W.; thence southwest three-quarters south sixteen and five-eighths miles to a point approximately latitude 55°34'46" N., longitude 134°14'40" W.; thence southeast by south twelve and one-half miles to a point approximately latitude 55°22'23" N., longitude 134°12'48" W.; thence northeast thirteen and seven-eighths miles to the southern extremity of Cape Addington, Noyes Island, latitude 55°26'11" N., longitude 133°49'12" W.; and to the point of origin on Cape Ulltka. The boundary lines herein indicated shall be determined from Chart 8157, as published by the United States Coast and Geodetic Survey at Washington, D. C., in June, 1929, and Chart 8152, as published by the United States Coast and Geodetic Survey at Washington, D. C., in March, 1933, and reissued March, 1939, except for the point of Cape Addington which shall be determined from Chart 8158, as published by the United States Coast and Geodetic Survey in December, 1923: *Provided*, That the duly authorized officers of the United States of America may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such mark or marks shall thereafter be considered as correctly defining said boundary.

(c) Second, that area lying in the waters off the northern coast of Graham Island, British Columbia, within the following boundary, and including the waters of Sturgess Bay, Masset Sound, Masset Inlet, and bays and inlets thereof: from the northwest extremity of Wlah Point, latitude 54°06'50" N., longitude 132°19'18" W., true north five and one-half miles to a point approximately lati-

tude 54°12'20" N., longitude 132°19'18" W.; thence true east approximately sixteen and three-tenths miles to a point which shall lie northwest (according to magnetic compass at any time) of the highest point of Tow Hill, Graham Island, latitude 54°04'24" N., longitude 131°48'00" W.; thence southeast to the said highest point of Tow Hill. The points on the shoreline of the above mentioned island shall be determined from Chart 3754, published at the Admiralty, London, April 11, 1911: *Provided*, That the duly authorized officers of the Dominion of Canada may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such marks shall thereafter be considered as correctly defining said boundary.

§ 301.10 *Dory gear prohibited.* The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat operated from a vessel licensed under the provisions of the regulations in this part is prohibited in all convention waters.

§ 301.11 *Nets prohibited.* It is prohibited to retain halibut taken with a net of any kind or to have in possession any halibut while using any net or nets other than bait nets for the capture of other species of fish, nor shall any license or permit held by any vessel under the regulations in this part be valid during the use or possession on board of any net or nets other than bait nets: *Provided*, That the character and the use of said bait nets conform to the laws and regulations of the country where they may be utilized and that said bait nets are utilized for no other purpose than the capture of bait for said vessel.

§ 301.12 *Retention of tagged halibut.* Nothing contained in the regulations in this part shall prohibit any vessel at any time from retaining and landing any halibut which bears an International Fisheries Commission tag at the time of capture: *Provided*, That such halibut with the tag still attached is reported at the time of landing to representatives of the International Fisheries Commission

or to enforcement officers of either of said Governments and is made available to them for examination.

§ 301.13 *Responsibility of master.* Wherever in the regulations in this part any duty is laid upon any vessel, it shall be the personal responsibility of the master or operator of said vessel to see that said duty is performed and he shall personally be responsible for the performance of said duty. This provision shall not be construed to relieve any member of the crew of any responsibility with which he would otherwise be chargeable.

§ 301.14 *Supervision of unloading and weighing.* The unloading and weighing of the halibut of any vessel licensed or holding a permit under the regulations in this part shall be under such supervision as the customs or other authorized officer may deem advisable in order to assure the fulfillment of the provisions of the regulations in this part.

Previous regulations superseded. These regulations shall supersede all previous regulations adopted pursuant to the Convention between the United States of America and the Dominion of Canada for preservation of the halibut fishery of the northern Pacific Ocean and Bering Sea, signed January 29, 1937, except as to offenses occurring prior to the approval of these regulations. These regulations shall be effective as to each succeeding year, with the dates herein specified changed accordingly, until superseded by subsequently approved regulations. Any determination made by the International Fisheries Commission pursuant to these regulations shall become effective immediately.

G. W. NICKERSON,
Chairman.
EDWARD W. ALLEN,
STEWART BATES,
MILTON C. JAMES,
Secretary.

Approved: April 28, 1949.

HARRY S. TRUMAN,
The White House.

[F. R. Doc. 49-3644; Filed, May 6, 1949; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION NO. 10

APRIL 29, 1949.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management by Order No. 319, dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify, as hereinafter indicated, under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682 (a)), as amended, the following described public lands in the Anchorage,

Alaska, land district, embracing 81.61 acres:

For leasing and sale, for home, cabin and business sites.

HOMER AREA

- T. 6 S., R. 13 W., Seward Meridian.
Sec. 27: Lot 2.
Sec. 28: Lots 1, 2, 3 and 4.
Sec. 35: Lots 7 and 8.
Sec. 36: Lot 2.
T. 7 S., R. 13 W., Seward Meridian.
Sec. 1: Lot 1.
Sec. 2: Lot 1.

2. The lands are located approximately from two to four miles from Homer, and are readily accessible, being located on or near good roads. The land is

subject to coastal weather with the usual extended period of precipitation. Churches, schools and marketing facilities are available at Homer. It is expected that electric transmission lines will be extended and made available to the area under a REA project which it is reported will be completed during 1949.

3. Pursuant to § 257.9 of the Code of Federal Regulations, a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to this classification, and (b) are of the type of site for which the lands subject thereunder have been classified. As to such applications,

this order shall become effective upon the date on which it is signed.

4. As to the land not covered by the applications referred to in paragraph 3, this order shall not become effective to permit the leasing of such land under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on June 2, 1949. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-day period for other preference right filings.* For a period of 90 days from 10:00 a. m. on June 2, 1949, to close of business on September 1, 1949, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279, 282) as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public law, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference-right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on April 29, 1949, or thereafter, up to and including 10:00 a. m. on June 2, 1949, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public land laws.* Commencing at 10:00 a. m. on September 2, 1949, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference-right filings.* Applications under the Small Tract Act by the general public filed on August 12, 1949, or thereafter, up to and including 10:00 a. m. on September 2, 1949, shall be treated as simultaneously filed.

5. Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Other persons entitled to credit for service shall file evidence of their right to credit in accordance with 43 CFR 181.36. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

6. All applications referred to in paragraphs 3 and 4, which shall be filed in the district office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the

Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

7. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of not more than five years, at an annual rental of \$5.00 for home and cabin sites, payable in advance for the entire lease period. The rental for business sites will be in accordance with a schedule of graduated charges based on gross income, with a minimum charge of \$20.00 payable yearly in advance, the remainder, if any, to be paid within thirty days after each yearly anniversary of the lease. Leases will contain an option to purchase the tract at or after the expiration of one year from the date the lease is issued, provided the terms and conditions of the lease have been met.

8. All of the land will be leased in tracts of approximately five acres, in accordance with the classification maps on file in the District Land Office, Anchorage, Alaska. The tracts where possible are made to conform in description with the rectangular system of survey, being approximately 330 by 660 feet, in compact units.

9. The leases will be made subject to the reservation of a road right-of-way for use of the public, of 33 feet in width, on each side of the tracts contiguous to the section and/or quarter section lines, as shown on the classification maps on file in the District Land Office, Anchorage, Alaska.

10. All inquiries relating to these lands shall be addressed to the Manager, District Land Office, Anchorage, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 49-3642; Filed, May 6, 1949;
8:50 a. m.]

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 42]

I. D. TALVE TRADING CO. ET AL.

DECISION OF APPEALS BOARD

In the matter of I. D. Talve Trading Company, I. D. Talve, M. Talve, Gemark Chemical Specialties Company, C. Catarevas, Chalex Overseas Company, S. Talvi, Roz (Roslyn) Talve (nee Trager).

Upon reading the transcript of the hearing held in Washington, D. C., December 28, 1948, by Milton M. Thompson, Compliance Commissioner, the report and recommendation dated February 3, 1948 of said Commissioner to John W. Evans, Director, Commodities Division, Office of International Trade, the order suspending license privileges, dated February 7, 1949, issued by said John W. Evans thereon, and upon the evidence

submitted at the hearing held in Washington February 23, 1949 before this Board upon appeal from said order suspending license privileges, the Appeals Board finds as follows:

(1) That the finding contained in the said report of the Compliance Commissioner dated February 3, 1949 are justified by the evidence;

(2) That the provisions of the order suspending license privileges dated February 7, 1949, while generally appropriate in view of the nature of the violations disclosed and the need for elimination of fraud and misrepresentation by exporters in their dealings with the Office of International Trade in connection with the administration of export controls, can safely be modified in this instance;

(3) That undue and excessive hardship alleged in the appeal relates to the effect of the said order suspending license privileges upon respondent I. D. Talve, other respondents being little concerned; and insofar as consideration may be given to the effect of sanctions upon persons found to be in non-compliance, the effect of the said order upon said respondent I. D. Talve who was, we find, the motivating force behind and is primarily responsible for the said violations, is to be considered.

After due consideration of the youth of said respondent I. D. Talve, his lack of business experience prior to entering military service, his presently-existing 50% veteran disability, his apparently sincere ambition to enter the export business as evidenced by sacrifice of educational advantages offered by the GI Bill of Rights and borrowing of funds to that end, the initial progress in export business which his initiative and energy enabled him to make despite difficult conditions, the fact that since long prior to November 18, 1948 action upon all license applications filed by him was held up during a period of preliminary investigation, the deterrent effect of publicity already given his violations of export control regulations by OIT Press Release No. 320, released February 18, 1949, and other considerations, the said order suspending license privileges is hereby amended to read as follows:

Now, therefore, it is ordered, That: (1) Respondents and each of them are hereby denied the privilege of obtaining, using or participating directly or indirectly in the obtaining or using of export licenses, including general licenses, for a period of two (2) months from February 7, 1949, the date of the original order suspending license privileges, viz, to and including April 7, 1949, and with respect to other than general licenses (viz, licenses requiring validation), for an additional period of one month from said date, viz, to and including May 7, 1949;

(2) Such denial of export license privileges shall extend to each of said respondents individually and under any trade name in which they may operate and to any firm, corporation or other business association in which any of the respondents shall be or become a partner or have a controlling interest, but shall not exclude employment of respondents by individuals, partnerships

or corporations engaged in export business;

(3) All outstanding export licenses held by or issued in the names of any of said respondents are hereby revoked and shall be forthwith returned to the Office of International Trade for cancellation;

(4) The right is expressly reserved to respondents S. Talvi and Catarevas to petition the Compliance Commissioner of the Office of International Trade at any time for a revision of the terms of this order as applied to them upon a showing that they had no knowledge of, and in no way participated in, the transactions involved in this proceeding and that enforcement of this order would prejudice the conduct of a bona fide export business by them;

(5) Respondents are hereby warned that proof of further substantial violations of export control regulations will result in suspension of license privileges for the period of export controls.

Dated: March 25, 1949.

HARRISON LILLIBRIDGE,
Chairman, Appeals Board.

Attest:

VICTOR ALEX,
Executive Secretary.

[F. R. Doc. 49-3628; Filed, May 6, 1949;
8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-962]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF FINDINGS AND ORDER ISSUING
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY

May 4, 1949.

Notice is hereby given that, on May 3, 1949, the Federal Power Commission issued its findings and order entered May 3, 1949, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-3632; Filed, May 6, 1949;
8:47 a. m.]

[Docket Nos. G-962, G-1070]

TENNESSEE GAS TRANSMISSION CO.

ORDER CONSOLIDATING HEARINGS

On consideration of the motion filed by Applicant in the above dockets to consolidate the proceedings and it appearing that both dockets are now set for hearing to commence on May 4, 1949;

The Commission orders: The aforesaid proceedings in Docket Nos. G-962 and G-1070 be and same hereby are consolidated for hearing and public hearings thereon be held at the time and place heretofore fixed, beginning May 4, 1949, at 10:00 a. m. (e. d. s. t.) in the Commission Hearing Room at 1800 Pennsylvania Avenue NW., Washington, D. C., at which time Applicant, interveners, and

No. 88—3

Interested State Commissions may present evidence in support of their positions.

Date of issuance: May 3, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-3633; Filed, May 6, 1949;
8:47 a. m.]

[Docket Nos. G-1065, 1070]

EAST TENNESSEE NATURAL GAS CO. AND
TENNESSEE GAS TRANSMISSION CO.

NOTICE OF FINDINGS AND ORDER ISSUING A
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY

MAY 4, 1949.

Notice is hereby given that, on May 3, 1949, the Federal Power Commission issued its findings and order entered May 3, 1949, in the above-designated matters, issuing a certificate of public convenience and necessity to East Tennessee Natural Gas Company.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-3631; Filed, May 6, 1949;
8:47 a. m.]

[Docket Nos. G-1167, 1171, 1190]

CONSOLIDATED EDISON CO. OF NEW YORK,
INC., ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND
FIXING DATE OF HEARING

In the matters of Consolidated Edison Company of New York, Inc., Docket No. G-1167; The Brooklyn Union Gas Company, Docket No. G-1171; and Kings County Lighting Company, Docket No. G-1190.

On February 9, 1949, Consolidated Edison Company of New York, Inc. (Consolidated Edison), a New York corporation with its principal place of business in New York City, New York, filed at Docket No. G-1167 an application requesting (1) that the Commission determine that Consolidated Edison is not and will not become a "natural-gas company" within the meaning of the Natural Gas Act by reason of its proposed construction and operation of certain natural-gas transmission pipeline facilities, and (2) should the Commission determine the company subject to the act, that it issue to the Applicant a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain transmission pipeline facilities, all as more fully described in its application on file with the Commission and open to public inspection, public notice thereof having been given, including publication in the FEDERAL REGISTER on March 10, 1949 (14 F. R. 1092-1093).

On February 18, 1949, The Brooklyn Union Gas Company (Brooklyn Union), a New York corporation having its principal place of business in Brooklyn, New

York, filed at Docket No. G-1171 an application requesting (1) that the Commission determine that Brooklyn Union is not and will not become a "natural-gas company" within the meaning of the Natural Gas Act by reason of its proposed construction and operation of certain natural-gas transmission pipeline facilities, and (2) should the Commission determine the company subject to the act, that it issue to the Applicant a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain transmission pipeline facilities, all as more fully described in its application on file with the Commission and open to public inspection, public notice thereof having been given, including publication in the FEDERAL REGISTER on March 10, 1949 (14 F. R. 1093).

On April 6, 1949, Kings County Lighting Company (Kings County Company), a New York corporation with its principal place of business in the Borough of Brooklyn, City and State of New York, filed at Docket No. G-1190 an application requesting (1) that the Commission determine that Kings County Company is not and will not become a "natural-gas company" within the meaning of the Natural Gas Act by reason of its proposed construction and operation of certain natural-gas transmission pipeline facilities, and (2) should the Commission determine the company subject to the act, that it issue to the Applicant a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain transmission pipeline facilities, all or more fully described in its application on file with the Commission and open to public inspection, public notice thereof having been given, including publication in the FEDERAL REGISTER on April 22, 1949 (14 F. R. 1994). The Commission finds: Good cause exists for consolidating the above proceedings for purposes of hearing.

The Commission orders:

(A) The above-entitled proceedings be and they are hereby consolidated for purposes of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held commencing on May 24, 1949, at 10:00 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such applications.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: May 3, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-3629; Filed, May 6, 1949;
8:47 a. m.]

[Docket No. G-1184]

LOUISIANA-NEVADA TRANSIT CO.
ORDER FIXING DATE OF HEARING

On March 28, 1949, Louisiana-Nevada Transit Company (Applicant) a Nevada corporation having its principal place of business at Ada, Oklahoma, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission facilities subject to the jurisdiction of the Commission for the purpose of serving contract industrial requirements of Cobbwood, Inc., and Graydon Anthony Lumber Company located in Hempstead County, Arkansas.

The facilities are more particularly described in the application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by §§ 1.32 (a) and 1.32 (b) of the Commission's rules of practice and procedure; and no request to be heard or protest has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on April 9, 1949 (14 F. R. 1720-21).

The Commission finds: This proceeding is a proper one for disposition under the provisions of §§ 1.32 (a) and 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on May 26, 1949, at 9:30 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: May 3, 1949.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-3630; Filed, May 6, 1949;
8:47 a. m.]

HOUSING AND HOUSING
CREDIT

Office of Housing Expediter

ORGANIZATION DESCRIPTION INCLUDING
DELEGATIONS OF FINAL AUTHORITY
DESIGNATION OF ACTING HOUSING EXPEDITER

J. Walter White is hereby designated to act as Housing Expediter during my

absence on May 4 and 5, 1949, with the title "Acting Housing Expediter" with all the powers, duties, and rights conferred upon me by the Housing and Rent Act of 1947, as amended, or any other act of Congress or Executive order, and all such powers, duties, and rights are hereby delegated to such officer for such period.

Issued this 3d day of May 1949.

[SEAL]

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-3639; Filed, May 6, 1949;
8:50 a. m.]

SECURITIES AND EXCHANGE
COMMISSION

[File No. 7-1093]

CONSOLIDATED GAS ELECTRIC LIGHT AND
POWER CO. OF BALTIMORE

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of May A. D. 1949.

The Philadelphia-Baltimore Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Consolidated Gas Electric Light and Power Company of Baltimore.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is registered and listed on the New York Curb Exchange; that the geographical area deemed to constitute the vicinity of the Philadelphia-Baltimore Stock Exchange is the States of Pennsylvania, New Jersey, Delaware and Maryland; that out of a total of 1,315,404 shares outstanding, 413,615 shares are owned by 7,790 shareholders in the vicinity of the Philadelphia-Baltimore Stock Exchange; and that in the vicinity of the Philadelphia-Baltimore Stock Exchange 1,411 transactions were effected in 56,909 shares during the period from March 1, 1948 to March 1, 1949;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Philadelphia-Baltimore Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Consolidated Gas Elec-

tric Light and Power Company of Baltimore be, and the same is, hereby granted.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-3638; Filed, May 6, 1949;
8:50 a. m.]

[File Nos. 54-111, 59-12]

AMERICAN & FOREIGN POWER CO., INC.,
ET AL.ORDER RESERVING JURISDICTION OVER
FURTHER ORDERS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2d day of May A. D. 1949.

In the matter of American & Foreign Power Company, Inc., Electric Bond and Share Company, File No. 54-111; Electric Bond and Share Company, American & Foreign Power Company, Inc., et al., respondents, File No. 59-12.

The Commission having instituted proceedings under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 with respect to Electric Bond and Share Company ("Bond and Share"), and American & Foreign Power Company, Inc. ("Foreign Power"), both registered holding companies (File No. 59-12); and

Foreign Power and Bond and Share having filed a joint plan and amendments thereto under section 11 (e) of the act (File No. 54-111), which proceedings were consolidated with the aforesaid section 11 (b) (2) proceedings; and

The Commission having by order dated November 19, 1947, approved the Amended Plan filed by Foreign Power and Bond and Share, and application having thereafter been made by the Commission to the District Court of the United States for the District of Maine, Southern Division, to enforce said Amended Plan, and the said Court having by order dated and entered October 11, 1948, approved said Amended Plan and directed that it be carried out; and

Circumstances having thereafter arisen from which it appeared to the Commission that consummation of the necessary financing within the framework of the Amended Plan as theretofore approved by the Commission and the Court was not then feasible and the Commission by motion dated December 16, 1948 having requested the Court to vacate its order of approval of said Amended Plan and remand the proceedings to the Commission for such further action as might be appropriate; and the said Court having by Order dated January 4, 1949 granted said motion of the Commission; and

The Commission having entered an order dated January 19, 1949, reconvening the hearings and requiring, among other things, that cause be shown (1) why the Commission should not enter an order vacating its order dated November 19, 1947, approving the Amended Plan and (2) why an order should not be entered under section 11 (b) (2) of the act directing Bond and Share and Foreign Power to take appropriate steps

to bring the security structure of Foreign Power into conformity with the standards of section 11 (b) (2) of the act; and

A hearing having been held after appropriate notice and the record in the matter having been examined by the Commission, and the Commission having this day made and filed its opinion herein;

It is ordered, That the order of the Commission dated November 19, 1947, approving the Amended Plan for the reorganization of Foreign Power under section 11 (e) of the act be, and the same hereby is, vacated.

It is further ordered, Pursuant to section 11 (b) (2) of the act, that Bond and Share and Foreign Power take appropriate steps to reorganize Foreign Power on a basis on which Foreign Power will have outstanding only a single class of capital stock, namely, common stock, and such amount of debt securities as will under the circumstances then existing meet the standards of the act.

It is further ordered, That jurisdiction be, and hereby is, reserved to enter such other and further orders and to take such other action as the Commission may deem necessary or appropriate to insure compliance by the respondents with the above order and the provisions of the act, and the Commission's rules, regulations and orders thereunder, and with respect to all other matters and issues in these consolidated proceedings.

It is further ordered, That this order shall be effective immediately upon its issuance.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-3635; Filed, May 6, 1949;
8:49 a. m.]

[File No. 68-112]

ALBERT W. GREINER ET AL.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of May A. D. 1949.

In the matter of Albert W. Greiner, John M. McGrath, Howard Hubbard and Harold Barnett, as a committee for the \$7 second preferred stockholders of American & Foreign Power Company, Inc., File No. 68-112.

Notice is hereby given that Albert W. Greiner, John M. McGrath, Howard Hubbard and Harold Barnett, as a committee for the \$7 Second Preferred Stockholders of American & Foreign Power Company, Inc., have filed a declaration and amendments thereto pursuant to Rule U-62 promulgated under the Public Utility Holding Company Act of 1935.

All interested persons are referred to said declaration and amendments thereto which are on file in the offices of this Commission for a statement of the matters contained therein, certain of which are summarized as follows:

The original declaration stated that the Committee was formed at the request and on behalf of Andrew P. Batti, Louis

D. Cadicombo, Carrie L. Derderian, and Walter J. Dalega, each of whom were represented to be holders of stock of American & Foreign Power Company, Inc. ("Foreign Power"). By subsequent amendments the names of Andrew P. Batti, Louis D. Cadicombo and Carrie L. Derderian were deleted and the names of Mary Greiner and John Apple were added as being persons at whose request and on whose behalf the Committee was acting.

The original declaration named Frank Weinstein as a member of the proposed Committee. The first Amended Declaration stated that Weinstein had resigned from the Committee and substituted Harold Barnett as a member of the Committee.

The Committee has designated Joseph Nemerov and Leo B. Mittelman as counsel, and Theodore R. Mackoul, as financial adviser.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration and the amendments thereto, and that said declaration as amended, shall not become effective except pursuant to further order of this Commission; and

It further appearing to the Commission that it is necessary and appropriate to aid in the enforcement of the provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, and to aid the Commission in the prescribing of rules and regulations under said act, to investigate the facts, practices, matters, policies, and conditions, both present and past, relating to the said Committee and all persons connected with it:

It is hereby ordered, Pursuant to sections 11 (g), 12 (e) and 18 (a) of the act and the rules and regulations promulgated thereunder, that a hearing be held upon said matter on May 17, 1949, at 10:00 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such day the hearing room clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate therein shall on or before May 12, 1949, notify the Commission to that effect in the manner provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matters. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act, and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the said declaration and amendments thereto in the light of sections 11 (g), 12 (e) and 18 (a) of the act and that on the basis thereof the following matters and questions are presented

for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the declaration and amendments thereto and the proposed solicitation material contain any untrue statement of a material fact or omit to state any material fact required to be stated therein or necessary to make the statements therein not misleading;

(2) Whether the proposed solicitation of the holders of the \$7 Cumulative Preferred Stock of American & Foreign Power Company, Inc. is in the public interest and in the interest of investors or consumers and for proper purposes, and whether the solicitation, as proposed, is in circumvention of any of the provisions of the act or any rule, regulation, or order promulgated thereunder;

(3) Whether the proposed solicitation is consistent with the applicable standards of the act and the rules thereunder, and, whether, if such solicitation be permitted, the interest of the public or of investors or consumers requires the imposition of terms and conditions with respect thereto;

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on Albert W. Greiner, John M. McGrath, Howard Hubbard, Harold Barnett, Joseph Nemerov, and Leo B. Mittelman, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list for releases under the act, and that further notice shall be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-3634; Filed, May 6, 1949;
8:49 a. m.]

[File No. 70-2084]

UTAH POWER & LIGHT CO.

SUPPLEMENTAL ORDER PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE AND RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of May A. D. 1949.

Utah Power & Light Company ("Utah"), a registered holding company and an electric utility company, having filed an application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof, and Rule U-50 of the rules and regulations promulgated thereunder regarding the issue and sale by Utah pursuant to the competitive bidding requirements to Rule U-50 of \$3,000,000 principal

pal amount of First Mortgage Bonds, ---% Series, due 1978; and

The Commission having by order dated April 18, 1949 granted and permitted to become effective said application-declaration, is amended, subject to the condition that the proposed issue and sale of bonds not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in the proceeding and a further order entered by the Commission in the light of the record so completed, and subject to a reservation of jurisdiction with respect to all fees and expenses to be paid in connection with the proposed transaction; and

Utah having filed a further amendment to its application-declaration setting forth the action taken to comply with the requirements of Rule U-50 and stating that pursuant to the invitation for competitive bids the following bids for the bonds have been received:

Bidding group	Coupon rate	Price to company (percent of principal amount)	Cost to company
	Percent		
Kidder, Peabody & Co.	3	100.8091	2.9591
Equitable Securities Corp.	3	100.619	2.9687
Merrill Lynch, Pierce, Fenner & Beane	3	100.619	2.9687
Union Securities Corp.	3	100.583	2.9705
Halsey, Stuart & Co., Inc.	3	100.55	2.9722
Salomon Bros. & Hutzler	3	100.55	2.9722
The First Boston Corp.	3	100.54	2.9727
Carl M. Loeb, Rhoades & Co.	3	100.5099	2.9742
Otis & Co.	3	100.40	2.9797
Lehman Bros.	3	100.26	2.9868
Bear, Stearns & Co.	3	100.26	2.9868

Said amendment to the application-declaration stating that Utah has accepted the bid of Kidder, Peabody & Co. for the First Mortgage Bonds as set forth above, and that said bonds will be offered for sale to the public at a price of 101.25% of the principal amount thereof plus accrued interest, resulting in an underwriters' spread equal to .4409% of the principal amount of said bonds; and

Said amendment having also set forth the nature and extent of legal services rendered and the fees and expenses requested as follows: Reid & Priest, Counsel for the Company \$5,000 and Beekman & Bogue, Counsel for the prospective underwriters \$3,500.

The Commission having examined said amendment and having considered the record herein, and finding no reason for imposing terms and conditions with respect to the price to be received for said First Mortgage Bonds, the redemption price thereof, the interest rate thereon and the underwriters' spread; and

It appearing that the proposed fees for legal services and other fees and expenses are not unreasonable;

It is hereby ordered, That the jurisdiction heretofore reserved in connection with the issue and sale of said First Mortgage Bonds be, and the same hereby is, released and the said application-declaration as further amended be, and the same hereby is, granted and permitted to become effective forthwith, subject, however, to the terms and conditions contained in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved over all fees and expenses in connection with the proposed transactions be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-3637; Filed, May 6, 1949; 8:49 a. m.]

[File No. 70-2090]

NEW YORK POWER AND LIGHT CORP. AND
NIAGARA HUDSON POWER CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of May 1949.

Niagara Hudson Power Corporation ("Niagara Hudson"), a registered holding company, and its subsidiary, New York Power and Light Corporation ("New York Power"), having filed a joint application-declaration pursuant to sections 9, 10 and 12 of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-43 promulgated thereunder, with respect to the following transaction:

New York Power proposes to acquire from Arthur S. Dewing, a nonaffiliate, 2,325 shares of the common stock of the Ticonderoga Electric Light and Power Company ("Ticonderoga"), for \$175,000. New York Power also proposes to acquire from Niagara Hudson 75 shares of the common stock of Ticonderoga for \$2,625. Upon completion of the proposed acquisition of an aggregate of 2,400 shares of the common stock of Ticonderoga, New York Power will own 100% of the outstanding stock of that company. The application states that the consideration to be paid to Arthur S. Dewing was determined through arm's-length negotiations and that the consideration to be paid to Niagara Hudson represents the amount at which such shares are presently carried on the books of Niagara Hudson. Ticonderoga presently renders electric service in the Town and Village of Ticonderoga in the State of New York. New York Power services the territory immediately adjoining the service area of Ticonderoga and supplies all of the energy distributed by Ticonderoga.

The acquisition by New York Power of the common stock of Ticonderoga was approved by the Public Service Commission of the State of New York by Order dated March 9, 1949.

Said application-declaration having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated, pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of the applicable provisions of the act and rules thereunder are satis-

fied, and deeming it appropriate in the public interest and in the interests of investors and consumers that said application-declaration be granted and permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-3636; Filed, May 6, 1949; 8:49 a. m.]

[File No. 812-593]

GROUP SECURITIES, INC., AND DISTRIBUTORS
GROUP, INC.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of May A. D. 1949.

Notice is hereby given that Group Securities, Inc. ("Group"), an open-end diversified management investment company registered under the Investment Company Act of 1940, located at One Exchange Place, Jersey City 2, New Jersey, and Distributors Group, Incorporated ("Distributors"), the principal underwriter and investment adviser of Group, located at 63 Wall Street, New York 5, New York, have filed an application pursuant to section 6 (c) of the act for an order exempting from the provisions of sections 11 (a) and 22 (d) of the act certain transactions described below in which the holders of the securities issued by Group are to be offered the right to transfer their investments from one or more classes of securities to one or more other classes of securities issued by Group at a reduced loading charge, which will be below the public offering price but above the net asset value of the shares to be acquired.

Group is authorized by its charter to issue its capital stock in 22 different classes. Each class of the capital stock is separate and distinct from every other class. The funds of each class are held only for that class and are invested in portfolio securities of the type approved for that class. The investment characteristics of the various class of stock vary according to the type of portfolio securities held. Changes in economic conditions and market levels, as well as in the investment requirements of individual investors may from time to time make it appropriate for a particular investor to liquidate his investment in one or more classes and to reinvest the proceeds in one or more other classes. At the present time an investor who liquidates his investment in shares of one class of stock and reinvests the proceeds in shares of another class must pay the same loading charge as is charged on an initial sale of such other class of stock.

Although Group is similar in operation to other multiple-class investment com-

panies, its charter and by-laws contain no provision conferring conversion rights upon the holders of its securities. Therefore, it may not avail itself of the provisions of section 11 (b) (2) of the act under which other multiple-class investment companies may effect reinvestment transactions for their security holders, pursuant to conversion privileges conferred by charter or by-law provisions, at a lesser sales load than that charged upon initial sales. Group and Distributors have determined to increase the load on initial sales and at the same time they wish to establish reduced charges on reinvestment sales. They propose to publish the following schedule, which sets forth the amount of the sales load to be charged upon initial sales and reinvestment sales of the various classes of securities issued by Group, in the current prospectus used in offering the securities of the group registered under the Securities Act of 1933.

	Proposed sales load	
	Initial sales	Reinvestment sales
	Percent	Percent
On classes other than institutional bond shares:		
Less than \$50,000.....	8½	4¾
\$50,000 to \$99,999.....	5½	3¾
\$100,000 and over.....	4	3
On institutional bond shares:		
Less than \$50,000.....	4½	2½
\$50,000 to \$99,999.....	3¾	2¾
\$100,000 and over.....	3	2

Each reinvestment transaction will involve the sale of shares of one or more classes of stock and the purchase of shares of one or more other classes of stock. An investor who elects to transfer all or part of his funds from one or more classes of stock to one or more other classes of stock, will be offered the right to reinvest the proceeds from the shares sold at the reduced loading charges set forth in the prospectus applicable to the shares of the class or classes to be acquired, provided such new shares are purchased by the same investor within five business days on which the New York Stock Exchange is open from the date of sale by such investor.

Since all classes of the capital stock of Group are redeemable and are currently being offered to the public by and through Distributors, section 22 (d) of the act prohibits Group and Distributors from selling such redeemable shares to the public except at a current public offering price described in the prospectus. The offer to effect reinvestment transactions at a lesser sales load than that charged on initial sales, even though described in the prospectus, is not deemed to be a public offering price described in the prospectus within the meaning of section 22 (d), since it is not open for acceptance by all members of the public purchasing at the same time an identical number of shares of any particular class of stock. Section 22 (d) contains three provisos which afford limited relief from the requirement that redeemable securities shall not be sold to the public except at a current public offering price described in the prospectus. The first proviso exempts sales made pursuant to offers of exchange permitted by section 11

of the act. The only portion of section 11 applicable to the proposed reinvestment sales is paragraph (a) thereof. Since the basis of the proposed offers of exchange is other than the relative net asset values of the securities involved and the Commission has not prescribed any rules and regulations with respect to such offers, the offers of exchange contemplated by Group and Distributors are unlawful unless the terms of the offer have been submitted to and approved by the Commission. The second proviso of section 22 (d) does not cover the proposed offers of exchange since they are not to be made solely to security holders of Group; ex-security holders will be offered the right to reinvest within five business days after redeeming their securities. The third proviso of section 22 (d) is inoperative since the Commission has not promulgated any rules and regulations under section 12 (b) of the act. Therefore the proposed reinvestment sales will violate section 22 (d) and section 11 (a) of the act unless the Commission approves the terms of the proposed reinvestment sales by order pursuant to section 6 (c) of the act.

All interested persons are referred to said application which is on file in the Washington, D. C., office of the Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after May 13, 1949, unless a hearing upon the application is ordered by the Commission as

provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than May 12, 1949, at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request in writing that the Commission order a hearing to be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 49-3626; Filed, May 6, 1949;
8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. D-63]

OLIVE ADVISORY BOARD

APPLICATION DENIED AND DISMISSED

MAY 4, 1949.

Application as listed below heretofore filed with the Tariff Commission for investigation under the provisions of section 336 of the Tariff Act of 1930 has been denied and dismissed.

Commissioner Brossard dissented from this action.

Name of article	Purpose of request	Date received	Name and address of applicant
Olive oil, in all size containers (par. 53, Tariff Act of 1930).	Increase in duty.....	Mar. 15, 1949	Olive Advisory Board, 16 Beale St., San Francisco, Calif.

By direction of the Commission.

[SEAL] SIDNEY MORGAN,
Secretary.

[F. R. Doc. 49-3643; Filed, May 6, 1949;
8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8643]

FLORIDA EAST COAST BROADCASTING Co.
(WFEC)

ORDER CONTINUING HEARING

In re application of Florida East Coast Broadcasting Company (WFEC), Miami, Florida, Docket No. 8643, File No. BMP-3049; for modification of construction permit.

The Commission having under consideration a petition filed April 26, 1949, by Florida East Coast Broadcasting Company (WFEC), Miami, Florida, requesting a 90-day continuance of the hearing presently scheduled for April 28, 1949, at Washington, D. C., upon its above-entitled application for modification of construction permit;

It is ordered, This 27th day of April 1949, that the petition is granted; and

that the hearing upon the above-entitled application is continued to 10:00 a. m., Thursday, July 28, 1949, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-3648; Filed, May 6, 1949;
8:53 a. m.]

[Change List 49]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

APRIL 13, 1949.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian broadcast stations modifying appendix containing assignments of Canadian broadcast stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

ence has been simplified by two major events. First, the Third Inter-American Radio Conference at Rio de Janeiro, in 1945, produced a common viewpoint, as among the Americas, as to the nature of the table of frequency allocations which should be considered at the world radio conference. Second, due largely to the success of this previous study at Rio, the Atlantic City (1947) table of frequency allocations reflects the uniformity of allocations within the American Region. The United States believes this consistency of viewpoint, in the matter of service-allocation, permits the maximum utilization of the radio spectrum, and provides for the greatest amount of international cooperation in the use of the spectrum.

A few tasks concerning frequency allocations, purely regional in nature—not the concern of a world conference—were left undone at Atlantic City, and it is the purpose of this proposal to examine these in turn and to suggest for the consideration of the Conference, on behalf of the United States, an appropriate method of treatment. A complete table of frequency allocations 10–4000 kc. (except for the bands in this range, which are not assigned to the Regional Conference) is shown below, together with proposals and comments for each of the frequency bands. This table represents the proposal of the United States for revision of the frequency provisions of the Santiago (1940) arrangement.

Comments
The United States has no long distance aids operating or planned in this band.
The United States plans to continue the existing fixed and maritime mobile services operating in this band.
The United States proposes to use this band exclusively for the fixed service. As to the zones within Region 2 in which the aeronautical fixed service should have priority, paragraph 124 of the Atlantic City Radio Regulations confines this priority to (a) the areas subject to auroral disturbances, and (b) only the northern areas so affected.
The Rio Conference, it may be recalled, recommended that this priority be applied in the "polar regions," including both the southern and northern polar regions. The United States still is prepared to support this recommendation as the arrangement to be made within Region 2.

In Region 2 the allocation to the Aeronautical Mobile Service is secondary to that for the Aeronautical Radionavigation service and is intended primarily to accommodate ground-to-air radiotelephone transmissions incident to, or closely associated with, the use of air navigation radio aids by aircraft in flight. Radiotelephone transmissions from aircraft-to-ground normally are made on frequencies in other bands (i. e., crossband). Assignments are made on a 3 kc. channeling system based upon geographical separations as determined by standards of field strength and interference ratios consistent with Article 11 of the Inter-American Arrangement signed at Havana, Cuba, December 13, 1937, and Recommendation XVI of the Second Inter-American Agreement signed at Santiago, Chile, January 26, 1940.

A tone modulation frequency of 1020 cps has in practice been standard for aeronautical radionavigational emissions intended to provide directional guidance to aircraft. A large number of aircraft receiver installations incorporate special audio filter circuits for this tone frequency only are in wide and general use.

The United States plans to continue and expand the existing maritime radiobeacon service operating in this band. The large numbers of aeronautical radionavigation stations now included between 285 and 325 kc. will be permitted to remain and expand, provided that no harmful interference is caused to the maritime radionavigation service.

Frequencies (kc.)
10–14 kc.-----
150–160 kc.-----
160–200 kc.-----
200–285 kc. and 325–405 kc.:
(a) Aeronautical mobile;
(b) Aeronautical radionavigation.

Call letters	Location	Power	Radiation	Class	Probable date to commence operation
CBN	St. John's, Newfoundland	640 kilocycles (change in call letters from VONF)	-----	-----	-----
CBY	Corner Brook, Newfoundland	750 kilocycles (change in call letters from VOWN)	-----	-----	-----
New	Rouyn, Quebec	900 kilocycles (delete assignment)	-----	-----	-----
CEPL	London, Ontario	980 kilocycles, 5 kw	DA-2	III-A	Now in operation
CJNT	Quebec City, Quebec	1340 kilocycles (assignment of call letters)	-----	IV	Do.
CKMR	Newcastle, New Brunswick	250 w	-----	-----	-----
CBG	Gander, Newfoundland	1450 kilocycles (change in call letters from VORG)	-----	-----	-----

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-3647; Filed, May 6, 1949; 8:53 a. m.]

FOURTH INTER-AMERICAN RADIO CONFERENCE

FREQUENCY PROPOSAL OF U. S.

In the matter of a proposal for a revision of frequency provisions in the Inter-American Radio Agreement of Havana (1937) (Santiago, Chile Revision (1940)) E. A. S. 231.

The United States has announced the date of convening at Washington, D. C. of the Fourth Inter-American Radio (FIAR) Conference to be April 1, 1949, with the provision that aeronautical radio experts of the respective delegations will meet at Washington on March 15, 1949, to commence work on the American Regional Plan for aeronautical mobile (R) frequencies.

It is customary for the Commission to ascertain the views of the public generally and to advise the Department of State with respect to frequency allocation matters such as those expected to be discussed at the forthcoming FIAR Conference. Accordingly, there is attached hereto a proposal pertinent to the revision of the Santiago (1940) allocations.

Attention is invited to the fact that this proposal deals exclusively with the service-allocation of radio frequencies to services and classes of stations and does not indicate the assignment of particular frequencies to particular stations. The allocations in this proposal are those contained in the Atlantic City table of frequency allocations (referred to in Appendix A to Part 2 of FCC rules and

regulations) (47 CFR, Part 2), or are proposals made pursuant to the Atlantic City allocations. The Atlantic City table of frequency allocations below 27.5 Mc. is not now in force. It is recognized that certain stations will be out-of-band when that table becomes effective. However, before that time station assignment lists consistent with the Atlantic City allocation table must be compiled. Before final action on such lists is taken by the Commission, all interested parties will be afforded opportunity to study and comment upon proposed lists.

In view of the foregoing, comments regarding assignments to particular stations will not be helpful to the Commission in connection with the attached service-allocation plan. Those interested in studying the attached plan are invited to refer to the list of radio treaties in Appendix A to Part 2 of the rules and regulations of the FCC. (47 CFR, Part 2) and to the Commission's several Reports in Docket 6651. Comments of interested parties should be filed with the Secretary of the Commission not later than March 14, 1949. An original and 15 copies of each set of comments should be filed.

Adopted: February 11, 1949.

Released: February 14, 1949.

By direction of the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

The United States considers that the frequency allocation problem facing the Fourth Inter-American Radio Confer-

325–405 kc. (see 200–285 kc.).

Frequencies (kc.)—Con.
405-415 kc.: (a) Aeronautical mobile; (b) aeronautical radionavigation; (c) maritime radionavigation (radio direction finding).

Comments—Continued
The band 385-415 kc. now is occupied by stations in several service categories, some of which are required under the Atlantic City allocation to move to other bands. It will be possible, as explained below for the band 385-550 kc. to clear the band 405-415 kc. exclusively for aeronautical and direction finding services. This will, in part, compensate for the loss to the aeronautical services of the band 315-325 kc. (10 kilocycles).

The United States considers that the narrowing of the mobile bands included between 385 and 550 kc. (165 kc.) to 415-535 kc. (120 kc.) makes it essential that the Region Conference set up an orderly procedure for shifting services now occupying the band between 385 and 415 kc. and between 535 and 550 kc. into the new band 415-535 kc. In order to do this, the United States believes, as a practical matter, that the entire band 385-550 kc. must be considered as a unit. Agreement upon such an orderly procedure must, in the opinion of the United States, be based upon an appropriate sub-allocation of the band 415-535 kc. Such allocation plans, and station assignment plans should be agreed on a bilateral or multilateral basis between neighboring countries within Region 2, in accordance with para. 1076.1 of the Atlantic City Radio Regulations.

Although the band of frequencies 535 to 1605 kc. is allocated exclusively to the broadcasting service in Region 2 by the Atlantic City Radio Regulations, the United States believes that an essential condition for the use of this expanded broadcasting band is the observance of the principle in paragraph 89 of the Atlantic City Radio Regulations. This is especially important with respect to broadcasting stations on 540 kc. which might cause harmful interference to the mobile service in the band 510-535 kc. to the 500 kc. distress service, or to the auto alarm.

Existing non-directional type radiobeacons used by aircraft for ADF homing operate in this band principally in the central and southern zones. Aeronautical mobile communications have equal priority. They involve two-way communications between aircraft and aeronautical radionavigation and communication stations on the ground. Either radiotelephony or radiotelegraphy is employed. Navigational station assignments currently total approximately 130 stations, essentially all of which are confined between the frequency limits of 1605-1750 kc. These frequency limits encompass the band discussed at the Rio Conference for these aids.

It would appear that a total of five operating frequencies in this band will be sufficient to meet foreseeable United States requirements, provided two of those frequencies are 1638 and 1708 kc. As to the remaining three frequencies, it is recommended that these be selected so as to be common throughout the entirety of Region 2.

The United States plans on establishing an emergency radionavigation service consisting of fixed, land and mobile stations for disasters involving loss of communications or requiring increased communications in the band 1750-1800 kc. If any other country is similarly interested in such a service, an appropriate exchange of views and information will be most welcome. In view of the emergency nature of the communications in this band, the United States proposed that the aeronautical radionavigation service be limited to

¹ Transmissions made expressly for use in maritime radio direction finding in this band shall be confined to the carrier frequency 410 kc. with maximum emission band width of 2.1A2. Other services shall not cause harmful interference to such direction finding operations.

Frequencies (kc.)—Con.

the band 1605-1750 kc. as explained above. This arrangement appears consistent with the discussions at the Rio Conference, and will avoid conflicts between the aeronautical radionavigation service and disaster communications.

In Region 2, Atlantic City authorizes the amateur, fixed, mobile (except aeronautical mobile), and radionavigation services to employ whichever of the two bands, 1800-1900 kc. or 1900-2000 kc., is not required for Loran in any particular area on condition that they do not cause harmful interference to Loran. Both of these bands are used by Loran in Region 2. The United States has studied the problem of sharing among these authorized services and has reached the conclusion that it cannot be done in Region 2 without interference to the existing Loran system. However, it recognizes the desirability of taking a calculated risk and intends to permit amateur operation under the following conditions on a non-interference basis to Loran. The areas in which the amateur service will be permitted to operate and the power it may use are based upon the existing Loran system and the maximum permissible interfering signal to the Loran skywave signal at maximum service range. It should be noted, however, that the tolerable degree of interference can only be determined by actual operation. Furthermore, the Loran system may be expanded in specific areas. Either or both of these factors may operate to require revision of the following conditions.

1. (a) The amateur service may use in any area whichever bands, 1800-1825 and 1875-1900 kc., or 1900-1925 and 1975-2000 kc., are not required for Loran in that area. In accordance with the following conditions. The use of these frequencies by the amateur service shall not be a bar to expansion of the radionavigation (Loran) service:

- (i) The amateur service shall not cause harmful interference to the radionavigation (Loran) service;
- (ii) Only classes A1 and A3 emissions shall be employed;
- (iii) Amateur operation shall be limited to:

Area	Band, kc	Power (watts)	
		Day	Night
Mississippi River to East Coast U. S. (except Florida and states bordering Gulf of Mexico)	1800-1825 1875-1900	500	200
Mississippi River to West Coast U. S. (except states bordering Gulf of Mexico)	1900-1925 1975-2000	1 500	1 200
Florida and states bordering Gulf of Mexico	1800-1825 1875-1900	200	(*)
Puerto Rico and Virgin Islands	1900-1925 1975-2000	500	50
Hawaiian Islands	1800-1825 1875-1900	500	200

¹ Except in State of Washington where daytime power limited to 200 watts and night time power to 50 watts.
² No operation.

2. In any particular area the Loran system of radionavigation operates either on 1650 or 1950 kc., the band occupied being 1800-1900 or 1900-2000 kc.

Frequencies (kc.)—Con.

2000-2065 kc.----- (a) Fixed; (b) mobile.
2065-2105 kc.----- Ship telegraph.
2105-2250 kc.----- (a) Fixed; (b) mobile.
2182 kc.-----

Comments—Continued
The United States recommends that apart from the transmissions authorized in the band centered on the frequency 2182 kc., all emissions capable of causing harmful interference to the safety services provided on 2182 kc. are forbidden in the band 2170-2194 kc.

Frequencies (kc.)—Con.
2250-2300 kc.-----

Comments—Continued
(a) Fixed; (b) mobile. Pursuant to the discussions at the Rio Conference and pursuant to the provision in paragraph 151 of the Atlantic City Radio Regulations, the United States recommends that appropriate provision for coastal telegraphy be made in the band 2250-2350 kc.

2300-2495 kc.; 3200-3400 kc.--

Pursuant to the discussions at the Rio Conference and at Atlantic City, the United States has studied the problems connected with assignments to fixed, land, mobile, and broadcasting stations in the band 2300-2495 kc. and 3200-3400 kc. It will be recalled that in Committee 6 of the Atlantic City Conference arrangements were made for the assignment of specific frequencies to stations in each of these four classes on the basis of minimum mutual interference as between the several classes of stations, that the work of Committee 6, in part, has been carried on by the Provisional Frequency Board, in so far as frequency bands above 4000 kc. are concerned, and that it is a problem for this Regional Conference to consider in so far as the bands 2300-2495 kc. and 3200-3400 kc. are concerned.

It is the opinion of the United States that the only generally acceptable approach to the solution of this problem which may be found by the Conference will prove to be one which is founded upon technical considerations and the best standards of engineering practice. In this connection, the service requirements in the case of broadcasting stations require very careful consideration from the point of view of interfering signals from fixed, land, and mobile stations which may produce signals within the service area of such broadcasting stations. This aspect of the problem was discussed at some length at Atlantic City and was described in an Atlantic City Document (Doc. 905-R, September 6, 1947) presented by the Mexican Delegation.

The United States suggests that arrangements be made at this Conference for an agreement upon an appropriate technical basis for assignments to fixed, land, mobile, and broadcasting stations within the tropical zone on the one hand, and, on the other hand, for assignments to fixed, land, and mobile stations outside the tropical zone. This suggestion is prompted, in part, by the provisions of paragraph 254 of the Atlantic City Radio Regulations which require that the provision of paragraph 90 of the Radio Regulations be observed. This principle assures the administrations in each of these zones of their equality of right to operate. A consideration of this principle makes it evident that planned use of these frequency bands by the administrations in and outside the tropical zone must be discussed and agreed in advance if the principle is to be observed and the services of the several administrations concerned are to be protected from mutual harmful interference.

Of the possible technical approaches to this problem, the following are considered to be worthy of discussion:

1. Sub-allocation of the bands with one part to be available for use by the four shared services within the tropical zone, and the other part to be available for the three shared services outside the tropical zone.
2. Assignment of frequencies to stations within the tropical zone beginning at one end of each band and assignments to stations outside the tropical zone beginning at the other end of the band, with a common portion within the band shared by stations in and out of the tropical zone.
3. An arrangement similar to paragraph 2 above based upon the power of the stations concerned.

Frequencies (kc.)—Con.
2300-2495 kc.; 3200-3400 kc.—Continued

Comments—Continued

4. Designation of certain frequencies to be available for assignment in the tropical zone and other frequencies to be available for assignments outside the tropical zone.

5. Combinations of two or more of the above four methods. Considering the extensive reduction in spectrum space for the services now operating between 1600 and 3500 kc. due to the establishment at Atlantic City of certain exclusive service allocations, and considering further the requirements for broadcasting as well as fixed and mobile services which have been stated by countries in the tropical zone, it would appear that only the most carefully considered technical plan will permit satisfactory operation of the several services involved.

Once the conference has considered these and any other approaches which may be suggested at the conference and an appropriate technical method of assigning frequencies in these bands established, it is the proposal of the United States that the conference adopt a resolution covering all of the regional bands including these, which has for its purpose agreement upon a procedure for compilation of frequency assignment lists to be prepared by each of the countries in Region 2 and submitted to the Special Conference which is to be called to approve the first edition of the new International Frequency List. These regional frequency lists would have to be coordinated bilaterally to minimize actual interference but it is believed that the adoption of a technical plan for assignments within the bands 2300-2495 and 3200-3400 kc. is essential to the preparation of such national frequency lists and that coordination of the several national lists so prepared may be facilitated at the Special Conference by the observance of the technical principles already agreed at the Region 2 Conference.

Standard frequency (2500 kc.).

(a) Fixed; (b) mobile.

2638 and 2738 kc.: It is recommended that the provisions for intership service on 2638 kc. and 2738 kc. in the Santiago arrangement be continued in force.

2804, 2808, and 2812 kc.: The United States advocates the retention of the 2 Mc. frequencies provided for police use in Article 7 of Santiago.

(a) Fixed; (b) mobile except aeronautical mobile (R). It appears to the United States that in connection with the compilation of national station list this is one of the few frequency bands technically suitable for use by many of the aeronautical fixed circuits of the type described in Note C following the table of frequency allocations discussed at the Rio Conference.

(See 2300-2495 kc.)

The United States recommends that the exclusive amateur service allocation discussed at Rio be adopted.

[F. R. Doc. 49-3649; Filed, May 6, 1949; 8:53 a. m.]

[Docket No. 9260]

FOURTH INTER-AMERICAN RADIO CONFERENCE

Inter-American Radio Agreement of Havana (1937) (Santiago, Chile Revision (1940) E. A. S. 231).

FREQUENCY PROPOSAL OF U. S.

On February 14, 1949, the Commission released a draft frequency proposal in anticipation of the forthcoming Fourth Inter-American Radio Conference, and in the matter of a proposal for a revision of frequency provisions in the

invited the submission of comments by interested parties.

Comments were received from:

The American Petroleum Institute.
The American Telephone & Telegraph Co.
The California Police Radio Association.
The State of California.
The National Association of Broadcasters.
The National Federation of American Shipping.
The National Police Radio Committee.
Seismograph Service Corp.

The American Petroleum Institute expressed concern over the fact that the proposal did not specifically set forth any proposed United States position in regard to the geophysical frequency needs of the petroleum industry in the band 1605-1700 kc. The proposal shows that the proposed United States position for the band 1605-1750 kc. includes the fixed and mobile services, as well as the aeronautical radionavigation service. The comments on this band, in the proposal, were addressed particularly to the aeronautical radionavigation service and were not intended to apply to the fixed and mobile services had no significance. specific comments in regard to the fixed and mobile services, had no significance. Internationally, frequency allocations are, except as may sometimes be qualified or limited by footnote, expressed in terms of internationally defined services, viz., fixed and mobile. It then remains for the individual American nations to implement the inter-American allocation by promulgating appropriate national allocations to the various domestic constituent services which collectively comprise the fixed and mobile services. The frequency needs of these constituent services, including those of the petroleum industry for geophysical stations, are a part of the background of the proposed United States position in regard to the fixed and mobile services allocation at the inter-American level.

The American Telephone and Telegraph Company directed its comments to the Coastal Harbor (radiotelephony) Service in the frequency range 2000-3000 kc. That company stated that, before the United States should conclude any agreement at the inter-American level as to the implementation of the frequency 2182 kc. as the International Maritime Mobile radiotelephone distress and calling frequency, as contemplated by the Atlantic City Agreements of 1947, there should be an assured practicable arrangement for frequency assignments to coastal harbor stations in the United States that would both permit continuation of the present operations of this service and provide for its proper future expansion. In this connection, the company expressed the view that the Commission should give full cognizance to the study which is being made by the Radio Technical Commission for Marine Services of the maritime mobile (telephony) problems in the 2000-3000 kc. band. The Commission has not received any recommendation from the RTCM as yet, but has studied the problems of the maritime mobile (telephony) service and the other services operating in the 2000-3000 kc. portion of the spectrum. In addition to the fact that consideration of the needs of these services comprises a

part of the background for the recommended United States position as to frequency allocations at the forthcoming conference, the Commission plans to give consideration to these problems and needs at the time that a frequency assignment plan is drafted, as contemplated by the Atlantic City Agreements of 1947. It is not expected that the task of preparing frequency assignments will be undertaken by either the FIAR or Region 2 Conferences scheduled to convene in Washington April 25, 1949.

The National Police Radio Committee informed the Commission of its interest in retaining the police frequencies in the bands 1605-1750 kc. and 2300-2495 kc. and 2804, 2808, 2812 kc. The latter three frequencies have been recommended by the Commission to the Department of State as international police fixed frequencies. The other frequencies pertain to assignments to particular stations, which are not for consideration at this time. The National Police Radio Committee requested that it be kept informed of developments relative to the frequencies in which it is interested and the Commission has, accordingly, so advised the Department of State.

The California Police Radio Association made a request similar to that made by the National Police Radio Committee, and similar action is being taken to advise the Department of State of the interest of this organization.

The California State Communications Advisory Board filed a statement, in behalf of all the public agencies of the state, pointing to the necessity for protecting the Public Safety Services in their continued use of frequencies in the band 1600 to 2700 kc. for some reasonable future period. As has been indicated above, this problem is one which pertains to the preparation of specific national station assignment lists, and is not to be disposed of at the forthcoming Conferences.

The National Association of Broadcasters objected that the proposal with regard to the band 535-1605 kc. would in fact immobilize the frequency 540 kc.; that there is nothing in Paragraph 89 of the Atlantic City Radio Regulations "which singles out broadcasting as a service which must protect the other services in the neighborhood of 540 kc.," and that it should be the broadcasters' prerogative to have a voice in the allocations for 540 kc. The Commission feels that this proposal in no way serves to immobilize the use of 540 kc. for broadcasting. It recognizes that the terms of Paragraph 89 are applicable to all radio services, but considers it appropriate to emphasize the importance of protection to certain Safety Services adjacent to 540 kc. It is proposed to consider only questions of service allocations at the forthcoming Conferences rather than details of the particular use of any specific frequency for broadcasting. In so far as the NAB comments were directed to the remote pickup broadcasting service, it may be observed that the Commission has the needs of this service before it as background for the inter-American proposal and plans to consider these comments further in connection

with the preparation of a frequency assignment plan.

The National Federation of American Shipping furnished the Commission with a regional allocation proposal for the public Maritime Mobile (radiotelephone) Service in the 2-3 Mc. range, which has been duly noted. Consideration will be given to this suggestion when a station assignment plan is drafted, but this will not be done at the forthcoming Conferences.

Seismograph Service Corporation requested that the Commission give consideration to the problem involved in providing an allocation of frequencies between 10 kc. and 3000 kc. for the radiolocation service, for assignment to land base stations using other than pulse-type emission, in the Gulf of Mexico area. As would appear from the fact that the Commission has heretofore recently ordered an investigation and other related proceedings into this very matter in Docket No. 9233, the Commission is not prepared at this time to submit any recommendation for service allocation between 10 kc. and 3000 kc. for this particular service beyond that which was recently ordered in disposing of the related Docket No. 8989 proceedings involving the Seismograph organization.

In addition to considering the foregoing comments and suggestions, we have considered the recommendation of the government-industry preparatory committee of the Department of State which has presented the proposal shown in Attachment 1 hereto.

The Commission concurs in the proposal set forth in Attachment 1 hereto and the Department of State has this date been so advised.

Attention is invited to the fact that it is not expected by the Commission that assignments of frequencies to particular stations will be made or agreed upon by the United States at the forthcoming FIAR and Region 2 Conferences. Proposed new assignments and proposed changes in existing assignments, such as may be necessary to bring the Atlantic City table of frequency allocations and the table to be agreed upon at the FIAR Conference into force, will be announced by the Commission in ample time for all interested persons to comment in advance of any action. Any persons who desire to assist in the studies of this matter are invited to communicate directly with the Commission's representative on the government-industry committee which the Department of State has organized for this purpose. This may be done by addressing a letter to the Chief, Frequency Allocation and Treaty Division, Federal Communications Commission, Room 7353, New Post Office Building, Twelfth and Pennsylvania Avenue NW., Washington 25, D. C.

Adopted: April 20, 1949.

Released: April 22, 1949.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

There are two principal agenda items proposed for the FIAR and Region 2 Conferences which concern the alloca-

tion and use of radio frequencies. These items, which are items 2 and 3 of the Conference agenda, are:

(2) Revision of Santiago Frequency Provisions within framework of Atlantic City Radio Regulations.

(3) Resolutions pertaining to compilation of national station lists and submission thereof to the Special Administrative Conference called to prepare the first edition of the International Frequency List.

The United States considers that item (2) is a FIAR matter, since it deals with the revision of existing Inter-American Arrangements. Item (3) is appropriate to the Region 2 Conference because it pertains to the task of bringing the whole of the Atlantic City table of frequency allocations into force, and is not a subject which ordinarily would be definitively dealt with by an Inter-American Radio Conference.

Three previous Inter-American radio conferences have been held:

- (a) Havana, Cuba, 1937.
- (b) Santiago, Chile, 1940.
- (c) Rio de Janeiro, Brazil, 1945.

Havanna produced a Convention and regulations; Santiago revised the regulations. Rio revised the Convention and produced various recommendations and resolutions. These Inter-American arrangements are subject to review at the Fourth Inter-American Conference. They contain suballocations of the frequency bands between 1600 and 5000 kc. and designate only a few operational frequencies, e. g., police inter-zone.

Atlantic City (1947) adopted a complete new international table of frequency allocations from 10 kc. to 10500 Mc. The method of implementing the Atlantic City table is stipulated in the Final Acts of Atlantic City as follows:

A. Article 47, Radio Regulations (1076-RR), stipulates that the table above 27.5 Mc. comes into force January 1, 1949.

B. The effective date of the table below 27.5 Mc. is (1076-RR) "the effective date of the new International Frequency List, as determined by a special Administrative Radio Conference" at which time the following provisions, which depend upon the allocation table, also "come into force":

Articles 2, 10, 11, 12, 17, 20, 28; Article 33 (para. 869); Article 34 (paragraphs 1025 and 1032);

Appendices 1, 3, 4, 5, 6, 7, 8, 10 and 12.

C. Section 1076.1 of the Radio Regulations provides that "all or any portion of the band 150-2850 kc. which is not subject to consideration by the Provisional Frequency Board, may come into force in Region 2 on or after January 1, 1949, in accordance with special arrangements agreed upon by the interested countries of that Region".

D. Furthermore, Section D of the Resolution governing the PFB, speaks only of world frequency requirements, not regional ones. In Article 6 of the Annex to this Resolution, the provision of the Radio Regulations quoted above is affirmed and the band 150-2850 kc. is not listed among those to be dealt with by the PFB.

From the references to the Final Acts of Atlantic City cited above, it is clear that:

(1) The holding of a Region 2 frequency conference is optional with the American states;

(2) If a Region 2 Conference is held, the drafting of any form of an assignment plan (frequencies for particular stations) is optional with the American states.

The United States believes that a Region 2 frequency conference should be held to revise the outstanding Inter-American frequency arrangements and to agree upon the procedures to be followed in compiling national assignment plans for direct submission to the Special Administrative Conference. The United States further believes that an overall assignment plan drafted by the Region 2 Conference is not essential to the work of the PFB and not required by the Final Acts of Atlantic City, particularly since the propagation characteristics of the frequencies below 3500 kc. and their occupancy in most cases where coordination is required are such as to involve only bilateral consideration.

It is concluded that the basic objective of bringing the Atlantic City table of service-allocations into force, discussed at the Rio Conference, can best be attained by adopting at the FIAR Conference a minimum sub-allocation of the regional bands, and by the immediate drafting on the part of each of the countries in ITU Region 2 of national assignment plans which conform to the Atlantic City table and to the new FIAR Regional table. These national station lists should be coordinated to the extent necessary with other nearby countries

where actual interference conflicts would be likely. Those national station lists would be notified, in accordance with provision to be made by the Region 2 Conference, directly to the Special Conference.

ITEM 2 OF AGENDA—A FIAR CONFERENCE MATTER

REVISION OF FREQUENCY PROVISIONS OF SANTIAGO

The frequency allocation problems facing the Fourth Inter-American Radio Conference have been simplified by two major events. The Rio Conference produced a common viewpoint among the Americas as to the nature of the table of frequency allocations which should be considered at Atlantic City. The table adopted there reflects this viewpoint. This consistency of viewpoint permits the maximum utilization of the radio spectrum, and provides for the greatest amount of international cooperation in the use of the spectrum.

A few tasks concerning frequency allocations, purely regional in nature—not the concern of a world conference—were left undone at Atlantic City, and it is the purpose of this proposal to examine these in turn and to suggest for the consideration of the Conference an appropriate method of treatment. A complete table of frequency allocations from 10 to 4000 kc. (except for the bands in this range which are assigned to the PFB) is shown below, together with proposals and comments for each of the frequency bands. This table represents the proposal of the United States for revision of the frequency provisions of the Santiago (1940) arrangement.

PROPOSED FIAR TABLE OF FREQUENCY ALLOCATIONS

The countries, members of the Inter-American Union, adhering to these Regulations, agree that in assigning frequencies to stations which, by their very nature, are capable of causing harmful interference to the services rendered by the stations of other members of the Inter-American Union, they will make such assignments in accordance with the table of frequency allocations herein and, in particular, agree that all entries included in the frequency assignment plans submitted for consideration by the Special Administrative Conference will not be in conflict with this table.

(1) Band	(2) Atlantic City Worldwide	(3) Atlantic City Region 2	(4) United States proposed FIAR service allocation	(5) United States comments on column (4)
10-14 kc.	Radionavigation			The United States has no long distance aids operating or planned in this band.
150-160 kc.		(a) Fixed		The United States plans to continue the existing fixed and maritime mobile services operating in this band.
160-200 kc.		(b) Maritime mobile, Fixed "		The United States proposes to use this band exclusively for the fixed service. As to the zones within Region 2 in which the aeronautical fixed service should have priority, par. 124 of the Atlantic City Radio Regulations confines this priority to (a) the areas subject to auroral disturbances, and (b) only the northern areas so affected. The Rio Conference, it may be recalled, recommended that this priority be applied in the "polar regions," including both the southern and northern polar regions. The United States still is prepared to support this recommendation as the arrangement to be made within Region 2.

(1) Band	(2) Atlantic City Worldwide	(3) Atlantic City Region 2	(4) United States proposed FIAR service allocation	(5) United States comments on column (4)
200-285 kc.....		(a) Aeronautical mobile..... (b) Aeronautical radionavigation. ¹³	Note A.....	In Region 2 of the allocation to the Aeronautical Mobile service is secondary to that for the Aeronautical Radionavigation service and is intended primarily to accommodate ground-to-air radiotelephone transmissions incident to, or closely associated with, the use of air navigation radio aids by aircraft in flight. Radiotelephone transmissions from aircraft-to-ground normally are made on frequencies in other bands (i.e., cross-band). Assignments are made on a 3 kc. channeling system based upon geographical separations as determined by standards of field strength and interference ratios consistent with Art. 11 of the Inter-American Arrangement signed at Havana, Cuba, Dec. 13, 1937, and Recommendation XVI of the Second Inter-American Agreement signed at Santiago, Chile, Jan. 28, 1940. A tone modulation frequency of 1920 cps has in practice become standard for aeronautical radionavigational emissions intended to provide directional guidance to aircraft. A very large number of aircraft receiver installations incorporating special audio filter circuits for this tone frequency only are in wide and general use.
285-325 kc.....		Maritime radio-navigation (radiobeacons). ¹⁴	Note B.....	The United States plans to continue and expand the existing maritime radio beacon service operating in this band. The large numbers of aeronautical radionavigation stations now included between 285 and 325 kc will be permitted to remain and expand provided that no harmful interference is caused to the maritime radionavigation service.
325-405 kc (see 200-285 kc).	(a) Aeronautical mobile. (b) Aeronautical radionavigation. ^{17 18 19}			
405-415 kc ²¹		(a) Aeronautical mobile..... (b) Aeronautical radionavigation. (c) Maritime radionavigation (radio direction-finding). ²²	(a) Aeronautical mobile..... (b) Aeronautical radionavigation. (c) Radionavigation (radio direction-finding).	
415-490 kc..... 490-610 kc ²³	Maritime mobile ^{24 25} Mobile (distress and calling).		Note C.....	
510-525 kc.....		Mobile.....		
525-535 kc.....		do.....		
535-1605 kc.....	Broadcasting ²⁶			Although the band of frequencies 535 to 1605 kc is allocated exclusively to the broadcasting service in Region 2 by the Atlantic City Radio Regulations, the United States believes that an essential condition for the use of this expanded broadcasting band is the observance of the principle in par. 89 of the Atlantic City Radio Regulations, i.e., the protection from harmful interference to stations in the adjacent band. This is especially important with respect to broadcasting stations on 540 kc which might cause harmful interference to the mobile service in the band 510-535 kc, to the 500 kc distress service, or to the auto alarm. Existing non-directional type radiobeacons used by aircraft for ADF homing operate in this band principally in the central and southern zones. Aeronautical mobile communications have equal priority. They involve two-way communications between aircraft and aeronautical radionavigation and communication stations on the ground. Either radiotelegraphy or radiotelephony is employed. Navigational station assignments currently total approximately 130 stations, essentially all of which are confined between the frequency limits of 1605-1750 kc. These frequency limits encompass the band discussed at the Rio Conference for these aids. It would appear that a total of five operating frequencies in this band will be sufficient to meet foreseeable United States requirements insofar as the aeronautical radionavigation service is concerned, provided two of these frequencies are 1638 and 1708 kc. As to the remaining three frequencies, it is recommended that these be selected so as to be common to all the zones of the American Region.
1605-1750 kc.....		(a) Aeronautical radionavigation. (b) Fixed. (c) Mobile.		The United States plans on establishing an emergency radiocommunication service consisting of fixed, land and mobile stations for disasters involving loss of communications or requiring increased communications in the band 1750-1800 kc. If any other country is similarly interested in such a service, an appropriate exchange of views and information will be most welcome. In view of the emergency nature of the communications in this band, the United States proposes that the aeronautical radionavigation service be limited to the band 1605-1750 kc, in which its present operations are now contained. This arrangement appears consistent with the discussions at the Rio Conference, and will avoid conflicts between the aeronautical radionavigation service and disaster communications.
1750-1800 kc.....		(a) Aeronautical radionavigation. (b) Fixed. (c) Mobile.	(a) Fixed. (b) Mobile.	[In Region 2, Atlantic City authorizes the amateur, fixed, mobile (except aeronautical mobile), and radionavigation services to employ whichever of the two bands, 1800-1900 kc or 1900-2000 kc, is not required for Loran in any particular area on condition that they do not cause harmful interference to Loran. Both of these bands are used by Loran throughout the American Region. The United States has studied the problem of sharing among these authorized services and has reached the conclusion that it cannot be done in the American Region without interference to the existing Loran system. However, it recognizes the desirability of taking a calculated risk and intends to permit amateur operation under the following conditions on a non-interference basis to Loran. The areas in which the amateur service will be permitted to operate and the power it may use are based upon the existing Loran system and the maximum permissible interfering signal to the Loran sky-wave signal at maximum service range. It should be noted, however, that the tolerable degree of interference can only be determined by actual operation. Furthermore, the Loran system may be expanded in specific areas. Either or both of these factors may operate to require revision of the following conditions.
1800-2000 kc.....		(a) Amateur..... (b) Fixed. (c) Mobile except aeronautical mobile. (d) Radionavigation. ²⁷		

See footnotes on p. 2396

(1) Band	(2) Atlantic City Worldwide	(3) Atlantic City Region 2	(4) United States proposed FIAR service allocation	(5) United States comments on column (4)																										
				1. (a) The amateur service may use in any area whichever bands, 1800-1825 and 1875-1900 kc, or 1900-1925 and 1975-200 kc, are not required for Loran in that area, in accordance with the following conditions. The use of these frequencies by the amateur service shall not be a bar to expansion of the radio navigation (Loran) service: (i) The amateur service shall not cause harmful interference to the radionavigation (Loran) service; (ii) Only classes A1 and A3 emission shall be employed; (iii) Amateur operation shall be limited to: <table><tr><th rowspan="2">Area</th><th rowspan="2">Band, kc</th><th colspan="2">Power (watts)</th></tr><tr><th>Day</th><th>Night</th></tr><tr><td>Mississippi River to East Coast U. S. (except Florida and States bordering Gulf of Mexico).</td><td>1800-1825 1875-1900</td><td>500</td><td>200</td></tr><tr><td>Mississippi River to West Coast U. S. (except States bordering Gulf of Mexico).</td><td>1900-1925 1975-2000</td><td>*500</td><td>*200</td></tr><tr><td>Florida and States bordering Gulf of Mexico.</td><td>1800-1825 1875-1900</td><td>200</td><td>(†)</td></tr><tr><td>Puerto Rico and Virgin Islands.....</td><td>1800-1825 1975-2000</td><td>500</td><td>50</td></tr><tr><td>Hawaiian Islands.....</td><td>1800-1825 1975-2000</td><td>500</td><td>200</td></tr></table> *Except in State of Washington where daytime power limited to 200 watts and night time power to 50 watts. †No operation. 2. In any particular area the Loran system of radionavigation operates either on 1850 or 1950 kc, the band occupied being 1800-1900 or 1900-2000 kc.	Area	Band, kc	Power (watts)		Day	Night	Mississippi River to East Coast U. S. (except Florida and States bordering Gulf of Mexico).	1800-1825 1875-1900	500	200	Mississippi River to West Coast U. S. (except States bordering Gulf of Mexico).	1900-1925 1975-2000	*500	*200	Florida and States bordering Gulf of Mexico.	1800-1825 1875-1900	200	(†)	Puerto Rico and Virgin Islands.....	1800-1825 1975-2000	500	50	Hawaiian Islands.....	1800-1825 1975-2000	500	200
Area	Band, kc	Power (watts)																												
		Day	Night																											
Mississippi River to East Coast U. S. (except Florida and States bordering Gulf of Mexico).	1800-1825 1875-1900	500	200																											
Mississippi River to West Coast U. S. (except States bordering Gulf of Mexico).	1900-1925 1975-2000	*500	*200																											
Florida and States bordering Gulf of Mexico.	1800-1825 1875-1900	200	(†)																											
Puerto Rico and Virgin Islands.....	1800-1825 1975-2000	500	50																											
Hawaiian Islands.....	1800-1825 1975-2000	500	200																											
2000-2065 kc.....		(a) Fixed.																												
2065-2105 kc.....		(b) Mobile.																												
2105-2250 kc.....		Maritime Mobile ⁶	Note D.																											
2250-2300 kc.....		(a) Fixed.																												
		(b) Mobile. ¹⁷																												
2300-2495 kc.....		(a) Broadcasting ¹⁸																												
		(b) Fixed.																												
2495-2505 kc.....		(c) Mobile. ¹⁷																												
2505-2850 kc.....		Standard frequency ¹⁹																												
		(a) Fixed.	Note E.																											
		(b) Mobile.	Note F.																											
3155-3200 kc.....	(a) Fixed.																													
	(b) Mobile except aeronautical mobile (R). ¹³																													
3200-3230 kc.....	(a) Broadcasting ²⁰																													
	(b) Fixed.																													
	(c) Mobile except aeronautical mobile (R). ¹³																													
3230-3400 kc.....	(a) Broadcasting ²⁰																													
	(b) Fixed.																													
	(c) Mobile except aeronautical mobile.																													
3500-4000 kc.....		(a) Amateur.	Amateur.																											
		(b) Fixed.																												
		(c) Mobile except aeronautical mobile (R). ¹⁴																												
				Pursuant to the provisions of par. 148 of the Atlantic City Radio Regulations, the United States proposes footnote (D) on this band. Pursuant to the discussions at the Rio Conference and pursuant to the provision in par. 151 of the Atlantic City Radio Regulations, the United States recommends that appropriate provision for coastal telegraphy be made in the band 2250-2300. It is expected that the precise utilization by stations of the 3 services will be reflected in the list of assignments to be discussed at the Region 2 Conference. The United States proposes footnotes E and F on this band. See United States proposal below for this band in connection with Region 2 Conference. It is expected that the precise utilization by stations of the three services will be reflected in the list of assignments to be discussed at the Region 2 Conference. It is expected that the precise utilization by stations of the three services will be reflected in the list of assignments to be discussed at the Region 2 Conference. The United States recommends that the existing Inter-American arrangements in this band be continued.																										

The United States makes no recommendations for sub-allocation of frequencies above 27.5 megacycles except to recommend the designation in the American Region of the two frequencies for working purposes in the vhf maritime mobile service. The United States will circulate during the conference, purely for information, its national table of frequency allocations to the several types of services which have been placed in the various bands between 25 and 10500 Mc.

Footnotes for Column (4)

(A) In the bands of frequencies 200 to 285 and 325 to 405 kc the aeronautical radionavigation service shall enjoy priority, including the transmission of weather reports and other information concerning the safety of aircraft in flight.

(B) In the band of frequencies 285 to 325 kc the maritime radionavigation service (radiobeacons) shall enjoy priority; however, the aeronautical radionavigation service is permitted in this band, provided that no harmful interference is caused to the maritime radionavigation service.

(C) In the band of frequencies 405-415 kc the radionavigation service (radio direction-finding) shall enjoy priority for emissions confined to the carrier frequency 410 kc with a band of emission not to exceed 2.1A2. The aeronautical radionavigation and aeronautical mobile services shall not cause harmful interference to such direction finding.

(D) Apart from the transmissions authorized on the frequency 2182 kc, all emissions capable of causing harmful interference to the safety services provided on 2182 kc are forbidden in the band 2170-2194 kc.

(E) The frequencies 2638 kc and 2738 kc are designated for communications in the maritime mobile (telephony) service, primarily for intership working.

(F) The frequencies 2804, 2808, and 2812 kc are designated for inter-zone police communications.

Atlantic City Footnotes to Which Reference is Made in Columns (2) and (5)

⁶ Limited to ship stations (telegraphy exclusively).

¹² Priority is given to the aeronautical fixed service in northern areas which are subject to auroral disturbances.

¹³ Priority is given to the aeronautical radionavigation service in Region 2, China, India, and Pakistan.

¹⁴ In Region 2, the aeronautical radionavigation service is permitted in the band 285-325 kc provided that no harmful interference is caused to the maritime radionavigation service.

¹⁷ The aeronautical radionavigation service has priority except in New Zealand.

¹⁸ In Regions 1 and 3, the frequency 333 kc is the general calling frequency for aircraft stations operating in the band 325-405 kc.

¹⁹ This band is allocated exclusively to the aeronautical mobile and aeronautical radionavigation services. Nevertheless, in the European Area, subject to authorization by the regional agreement concluded by the next European Regional Broadcasting Conference and the conditions specified in that agreement, the administrations concerned may place in the bands 325-365 kc and 395-405 kc those of the following broadcasting stations which will not cause harmful interference to the aeronautical mobile and aeronautical radionavigation services:

The broadcasting stations now in operation in the whole of the band 325-405 kc are:

Banska Bystrica.	Finmark.
Bergen.	Lulea.

²⁰ The fixed stations in Scandinavia now operating in the band 385-395 kc may continue to do so by special arrangement.

²¹ The frequency 410 kc is designated for the maritime radionavigation service (radio direction-finding). Other services shall not cause harmful interference to radio direction-finding.

²² In Region 2 (in addition to the provisions of Note 21), the aeronautical radionavigation service has priority over the aeronautical mobile service.

²³ The band 415-490 kc is allocated exclusively for the maritime mobile service on a world-wide basis and the band 510-525 kc is allocated exclusively for that service in Region 1. Nevertheless, in the European area, subject to authorization by the regional agreement concluded by the next European Regional Broadcasting Conference and to the conditions specified in agreement, the administrations concerned may place in the bands 415-485 kc and 515-525 kc such of the following broadcasting stations as will not cause harmful interference to the maritime mobile service:

Geneva.	Oestersund.
Hamar.	Oulu.
Innsbruck.	

²⁴ Limited to telegraphy.

Procedure—Continued

Band (kc.)—Con.

* The frequency 500 kc is the international distress and calling frequency. The conditions for its use are prescribed in article 33.
 * In the territory of the U. S. R., the band 1580-1605 kc is shared with the fixed services. In the European Area, the fixed service in the U. S. R. and the broadcasting service in the neighboring countries operate subject to the condition of avoiding harmful interference on a reciprocal basis.
 * In any particular area the system of radio-navigation operates either on 1850 or 1890 kc, the band 1890-1900 kc or 1900-2000 kc. Any of the authorized stations may employ whichever of these two bands is not required for navigation.
 * In the explanation of the terms "Aeronautical mobile (R)" and "Aeronautical mobile (OR)" see 235 and 237.
 * For the conditions of use of this band by the broadcasting service see 243, 244, and 250-254.
 * In Region 2, provision will be made for coastal telegraphy in the maritime mobile service by special arrangement.
 * The standard frequency is 2500 kc.

ITEM 3 OF AGENDA—A REGION 2
 CONFERENCE MATTER

RESOLUTIONS REGARDING COMPILATION OF
 STATION LISTS

The following suggestions are made as to detailed methods of approach pertinent to the compilation of national station lists in the Region 2 (ITU) frequency bands for submission to the Special Conference. It is recognized that the entire Region is not concerned with detailed assignments in many of the regional bands but that each of the countries in the Region will be interested in coordinating its national station lists with nearby countries. It is possible that some of the bands of frequencies, for example, 3200-3400 kc., may have to be considered

by a meeting of all the countries of the Region before coordinated national station lists can be submitted to the Special Conference.

The countries, whose territories lie in whole or in part in Region 2 as defined in Chapter III of the Radio Regulations of the International Telecommunication Union of Atlantic City (1947), agree that in assigning frequencies to stations in Region 2 which, by their very nature, are capable of causing harmful interference to the services rendered by the stations in Region 2 of another country, they will make such assignments in accordance with the FIAR table of frequency allocations, the United States proposal for which is reproduced above.

Procedure

10-14 kc.----- The United States has no long distance aids operating or planned in this band.

150-160 kc.----- It is recommended that existing operations registered with the Bureau of the International Telecommunication Union, which the administrations plan to continue, be notified directly by the administrations to the Special Conference.

160-200 kc.----- It is recommended that existing operations registered with the Bureau of the International Telecommunication Union, which the administrations plan to continue, be notified directly by the administrations to the Special Conference.

200-405 kc.----- It is recommended that no station lists for these bands be included in the new International Frequency List, that registration dates not be sought in the future for assignments in these bands, and that the Region 2 Conference agree that frequency assignments in these bands be coordinated on a bilateral basis.

405-415 kc.----- It is recommended that those countries which anticipate operating direction finding services on the frequency 410 kc. in accordance with the provisions of the FIAR table of frequency allocations, conclude special arrangements with neighboring countries which can be submitted to the Special Conference for transmittal to the IFRB as a special arrangement of the type provided for in the Atlantic City Radio Regulations and which will take appropriate account of the sharing in the band 405-415 kc. provided by the FIAR table of frequency allocations, the United States proposal for which is reproduced above.

415-535 kc.----- It is recommended that those frequency assignments which must be shifted in order to comply with the FIAR table of frequency allocations and which lie generally between the limits of 385 and 550 kc. be coordinated and coordinated at the earliest possible date for ultimate inter-

national registration of all the assignments which must be accommodated in the band 415-535 kc.

It is recommended that assignments in this band be compiled in accordance with existing bilateral and multilateral arrangements and notified directly by the administrations to the Special Conference with the understanding that as such bilateral and multilateral arrangements may, in the future, be modified, appropriate modifications will be notified to the IFRB in accordance with appropriate provisions of the Atlantic City Radio Regulations.

1605-1750 kc.----- It is recommended that existing operations registered with the Bureau of the International Telecommunication Union which the administrations plan to continue, be notified directly by the administrations to the Special Conference. Replacement frequencies, to the extent necessary, for stations now between 1600 and 1605 kc. should be provided by administrations in the list compiled for submission to the Special Conference.

1750-1800 kc.----- It is recommended that those countries which anticipate operating a disaster service in this band conclude appropriate special arrangements with the neighboring countries for submission to the Special Conference and transmittal to the IFRB to the end that appropriate account may be taken of the sharing between disaster communications and other types of fixed and mobile services.

1800-2000 kc.----- It is recommended that the administrations operating Loran stations notify the particulars thereof directly to the Special Conference.

2000-3500 kc.----- The accommodation of the existing fixed and mobile services which now have assignments between 2000 and 3500 kc. as well as the serious and important problem of accommodating the ever expanding needs of such of these services as cannot be accommodated in other portions of the spectrum are matters of grave concern to the United States. It is urged that the Conference consider this problem most seriously in the light of the reduction in spectrum space which will be available for these services. It appears to the United States that no satisfactory international agreement as to frequency assignments in this portion of the spectrum can be reached until certain questions have been discussed by the Region 2 Conference. One of the most important considerations in this regard is the sharing of the bands 2300-2495 kc. and 3200-3400 kc.

Pursuant to the discussions at the Rio Conference and at Atlantic City, the United States has concluded that the only generally acceptable approach to the solution of this problem will prove to be one which is founded upon technical considerations and the best standards of engineering practice. In this connection, the service requirements in the case of broadcasting stations require very careful consideration from the point of view of interfering signals from fixed, land, and mobile stations which may produce signals within the service area of such broadcasting stations. This aspect of the problem was discussed at some length at Atlantic City and was described in an Atlantic City Document (Doc. 905-R, September 6, 1947) presented by the Mexican Delegation. In addition, attention is invited to the work of the Stockholm (1948) CCIR resulting in Recommendation 28 and Questions 4, 23 and 27.

The United States suggests that arrangements be made at this Conference for an agreement upon an appropriate technical basis for assignments to fixed, land, mobile, and broadcasting stations within the tropical zone on the one hand, and, on the other hand, for assignments to fixed, land, and mobile stations outside the tropical zone. This suggestion is prompted, in part, by the provisions of paragraph 254 of the Atlantic City Radio Regulations which require that the provision of paragraph 90 of the Radio Regulations be observed. This principle assures the administrations in each of these zones of their equality of right to operate. A consideration of the principle makes it evident that planned use of these frequency bands by the administrations in and outside the tropical zone must be discussed and agreed in advance

Procedure—Continued

if the principle is to be observed and the services of the several administrations concerned are to be protected from mutual harmful interference.

Considering the extensive reduction in spectrum space for the services now operating between 1600 and 3500 kc. due to the establishment at Atlantic City of certain exclusive service-allocations, and considering further the requirements for broadcasting as well as fixed and mobile services, which have been stated by countries in the tropical zone, it would appear that only the most carefully considered technical plan will permit satisfactory operation of the several services involved.

Once the conference has considered the various technical approaches which may be suggested at the conference and establish an appropriate technical method of assigning frequencies in these bands, the United States proposes that the conference adopt a resolution covering all of the regional bands, especially those lying between 2000 and 3500 kc. The purpose of this Resolution would be to prescribe a procedure for compilation of frequency assignment lists to be prepared by each of the countries in Region 2 for submission to the Special Conference.

In considering the foregoing problem it appears to the United States that the band 3155-3200 kc. is one of the few frequency bands technically suitable for use by many of the aeronautical fixed circuits of the type described in Note C following the table of frequency allocations discussed at the Rio Conference.

[F. R. Doc. 49-3646; Filed, May 6, 1949; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13208]

HARRY H. MORISUE

In re: Stock and bank account owned by Harry H. Morisue, also known as Harry H. Marisue. F-39-6402-A-1, F-39-6402-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Harry H. Morisue, also known as Harry H. Marisue, whose last known address is Okayama, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Two (2) the Cuba Railroad Company 7½% bonds of \$1,000, face value each, bearing numbers M3452 and M3453 and registered in the name of Harry H. Marisue, presently in the custody of the Sumitomo Bank of Seattle, Room 1210, 1411 Fourth Avenue Building, Seattle, Washington, together with any and all rights thereunder and thereto, and

b. That certain debt or other obligation owing to Harry H. Morisue, also known as Harry H. Marisue, by the Sumitomo Bank of Seattle, Room 1210, 1411 Fourth Avenue Building, Seattle, Washington, arising out of a savings account, account number 7361, entitled Harry H. Morisue, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 27, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3599; Filed, May 5, 1949; 8:56 a. m.]

[Vesting Order 13209]

KIYOKO NAKANO AND MASAKI NAKANO

In re: Bank account owned by Kiyoko Nakano and husband Masaki Nakano. F-39-6414-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiyoko Nakano and husband Masaki Nakano, whose last known address is c/o Mrs. Setsuko Yamanouchi, No. 5, 1 chome, Kamimuro-cho, Gifu City, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of the Bank for Savings in the City of New York, 280 Fourth Avenue, New York 10, New York, arising out of a savings account, account number 1,451,440, entitled Kiyoko Nakano & husband Masaki or either and survivor, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kiyoko Nakano and husband Masaki Nakano, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 27, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3600; Filed, May 5, 1949; 8:56 a. m.]

[Vesting Order 13210]

MOJIRO ONO

In re: Bank account owned by Mojiro Ono, also known as M. Ono. D-39-9701-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mojiro Ono, also known as M. Ono, whose last known address is Okayama, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Washington National Bank, 714 Main Street, Vancouver, Washington, arising out of a savings account, account number 7428, entitled M. Ono, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mojiro Ono, also known as M. Ono, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 27, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3601; Filed, May 5, 1949;
8:56 a. m.]

[Vesting Order 13211]

HEINRICH PLUMHOF

In re: Bank account owned by Heinrich Plumhof. F-28-29966-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Plumhof, whose last known address is Stellingeweg 38 C IV, Hamburg 19, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Union National Bank of Indiana Harbor at East Chicago, East Chicago, Indiana, arising out of a savings account, account number 33997, entitled Mr. & Mrs. William G. Petersen, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Heinrich Plumhof, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the

national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 27, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3602; Filed, May 5, 1949;
8:56 a. m.]

[Vesting Order 13213]

B. TERASHITA

In re: Bank account owned by B. Terashita, also known as Bunnosuke Terashita. D-39-13907-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That B. Terashita, also known as Bunnosuke Terashita, whose last known address is Osaka, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to B. Terashita, also known as Bunnosuke Terashita, by Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a checking account, entitled B. Terashita, maintained at the branch office of the aforesaid bank located at Vacaville, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being

deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 27, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3604; Filed, May 5, 1949;
8:57 a. m.]

[Vesting Order 13214]

YUKIO YAMAMOTO

In re: Bank account owned by Yukio Yamamoto. D-39-18439-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yukio Yamamoto, whose last known address is Hiroshima, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Yukio Yamamoto, by Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a savings account, account number 1036, entitled Yukio Yamamoto, maintained at the West Fresno Branch office of the aforesaid bank located at 951 F Street, Fresno, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 27, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3605; Filed, May 5, 1949;
8:57 a. m.]

[Dissolution Order 25, Amdt.]

SIMPSON, LANGE & Co., INC.

Dissolution Order No. 25, executed on February 7, 1946 (11 F. R. 1641, February 14, 1946), is hereby amended by deleting the paragraph numbered 1 on page 2 of said dissolution order and substituting in lieu thereof the following:

1. Finding that the claims of all known creditors have been paid, except:

a. Possible taxes and fees owed to Federal, State and local authorities, including possible claims by the Bureau of Internal Revenue for personal holding company taxes, interest and penalties, estimated to amount in the aggregate to a maximum of \$33,000;

b. Such claim, if any, as the Attorney General may have for monies advanced or services rendered to or on behalf of the corporation;

c. A possible claim for interest payable on the vested debt formerly owed to N. V. Handelsmaatschappij, A. W. Watjen and Co., estimated to amount to \$78,938.92;

d. Certain accounts payable to creditors of Simpson, Lange & Co., Inc. not resident in the United States, as follows:

Bremerthal Freres, Bourlles, Belgium	\$121.54
Filature et Ret Breuer, Bousvall, Belgium	241.47
Filature et Tissages Reunies, Ghent Belgium	9.71
S. A. Union Cotoniere, Ghent, Belgium	276.30
S. A. Usines Textile Reunies De Belgique, Brussels, Belgium	39.72
F. L. Vandriessche & Co., Ghent, Belgium	243.24
Filature de Villvorde, S. A. Villvorde, Belgium	2,088.33
Pierre Chardine, Havre, France	110.00
Andre Clerc, Paris, France	1,606.63
Gerard Clerc, Paris, France	368.84
Adrien Martin, Havre, France	100.20
Filature de Selestat, Epinal, France	1,241.88
Vanham Freres, Havre, France	35.45
Rydahls Manufaktur A. B., Rydahls, Sweden	494.07
Casper Spaelti & Cia., Zurich, Switzerland	313.47
Cotonificio Legler, S. A. Ponta S. Pietro, Italy	7.08
Abr. Ebeling, Enschede, Holland	119.42
Rosell y Cia, Lima, Peru	1,295.04
A. Stapff, Medellin, Colombia	4.85;

by adding the following paragraph after the paragraph numbered 2 on page 2 of said dissolution order:

3. Finding that in accordance with the afore-mentioned provisions of the cor-

porate charter, as amended, there have been distributed, as a liquidating distribution of corporate assets, to the holders of all the issued and outstanding first and second preferred stock of the corporation an amount equal to the par value of said stock and all accrued dividends thereon and to the holder of all the issued and outstanding common stock of said corporation an amount equal to the par value of said common stock;

by deleting the paragraphs lettered c., d., e. and f. on pages 2 and 3 of said dissolution order and substituting in lieu thereof the following:

c. They shall then deposit the sum of \$78,938.92 with the Comptroller's Branch, Office of Alien Property, Department of Justice, for safekeeping pending determination of the validity or invalidity of the claim for interest on the vested debt formerly owed to N. V. Handelsmaatschappij A. W. Watjen and Co. Such deposit will be made upon the understanding that, if such claim is determined to be valid, the deposit will be applied to its payment; and if said claim is determined to be invalid, the deposit will be paid over to the Attorney General of the United States to be applied by him in accordance with subparagraph e. hereafter. The deposit as herein directed with the Comptroller's Branch, Office of Alien Property, Department of Justice, shall to the extent thereof be a full acquittance and discharge for all purposes of the claim against Simpson, Lange & Co., Inc.; and

d. They shall then pay each of the above-mentioned accounts payable to creditors not resident in the United States which shall not have been previously-vested by the Attorney General of the United States into separate accounts to be maintained by the Comptroller's Branch, Office of Alien Property, Department of Justice, each of said accounts to be entitled substantially as follows:

Attorney General of the United States, Account of (name of account) in the case of Simpson, Lange & Co., Inc., Vesting Order 210 dated October 3, 1942.

with the understanding that such payments shall not transfer title to such accounts to the Attorney General but such accounts shall be subject to his authorization. Payments into said accounts as herein directed to the Comptroller's Branch, Office of Alien Property, Department of Justice, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligations of Simpson, Lange & Co., Inc., to said creditors; and

e. They shall then pay over, transfer, assign and deliver to the Attorney General of the United States all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied first, in satisfaction of such claim, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and second, as a liquidating distribution of assets to the Attorney Gen-

eral of the United States as holder of all the issued and outstanding common stock of the corporation; and;

and by deleting the first full paragraph on page 3 of said dissolution order and substituting in lieu thereof the following:

Further orders, That nothing herein set forth shall be construed as prejudicing the right, under the Trading With the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder: *Provided however*, That nothing herein contained shall be construed as creating additional rights in such person: *Provided further*, That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading With the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and.

All other provisions of said Dissolution Order No. 25 are hereby confirmed.

Executed at Washington, D. C., this 3d day of May 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3606; Filed, May 5, 1949;
8:57 a. m.]

[Return Order 306]

MAX D. ORDMANN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Max D. Ordman, New York City, N. Y., Claims Nos. 3269 and 5531, (14 F. R. 930) March 1, 1949; \$2,638.81 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 3, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3656; Filed, May 6, 1949;
8:54 a. m.]